Welcome to Western Montana ->This image file is licensed under the Creative Commons Attribution-Share Alike 4.0 International license.
Sounder, Bruce

Entering Mineral County Montana from Idaho, Lookout Pass

This is the Introduction to: **Case Number**: DC-31-2024-0000032-IN

Title - How they killed the Second Amendment in Mineral County Montana May 2025.

Subtitle - How to lose a Second Amendment self-defense case to the criminal across the road.

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How the victim of a theft becomes the victim of the State of Montana. This story begins early evening August 11, 2024 in Mineral County Montana. What started out as a typical August day in western Montana takes a definite turn for the worse. Two people will argue over a theft and a shot will be fired.

What is intended here is to review the incident and follow the timeline of the criminal case pursued by the State against the defendant ...from the moments of the arrest, the subsequent process in motions and orders as the case proceeds to the trial, and the actions being taken after the trial.

We will look at Warren A. Cline the suspected thief. Noting Cline's statement that maybe someone named "bubba" stole the missing items. And noting how Cline's false incident statement evolves months after the event to include a fear of being "shot in the back" per his trial testimony. A fear that wasn't evident in his bodycam video statement to deputy atkin made minutes after the incident. Make note of the fact that Cline's testimony is based on false evidence <a photo, as in the wrong bullet impact photo> and the false testimony statements that flowed from that false evidence.

Joshua Ferren; how he was transformed from being the victim of a crime to become a victim of the County Attorney as a defendant facing State of Montana charges of assault, intimidation, and resisting arrest while defending his second amendment right to self-defense, the right to not have to suffer a beating at the hands of Warren Cline. A 140 lb Montana man facing 200+ lbs of Oregon ex-convict, the "mighty whitey" tattoo'd Warren Adrian Cline.

Deputy Ethan Atkin will demonstrate how you write up a misleading incident report. Atkin confused the bullet impact location and presented a photo of the wrong location that was used in the court trial.

County Attorney Debra Jackson will make you wonder if she is unethical, does not support the Second Amendment and Constitutional rights, or is just simply incompetent by not doing her due diligence regarding this case and the facts regarding the weapon discharge and the credibility of the "complaining witnesses", Cline and his girlfriend Paula Nicol. Maybe Jackson doesn't care as long as she wins...a quote this statement said by Jackson at the trial - "if I tell you a fact that is not a fact, that is ok".

There will be a chapter regarding public defender representation and how it failed the defendant by not knowing basic facts about the case. Not reviewing the bodycam videos or deposing the witnesses, allowing false evidence to be put in front of the jury, and not impeaching Warren Cline's testimony when he lied about what happened on that August day.

Deputy Hughes will help you to understand good cop, bad cop and "voluntary" statement. A voluntary statement does not require the reading of your Miranda rights and it can and will be used against you in a court of law. Hughes encouraged a very angry defendant to make statements that he used against the defendant. Hughes also made false statements during the trial that were heard by the jury.

And we cannot review Cline without including his relatives the Est family. To know Warren Cline and his violent nature is to know his interactions with his brother-in-law, his sister, his nephew, and his girlfriend. Chuck Est, Heather Est, William Est, and Paula Nicol. A family that likes to party hardy sometimes chasing each other with machetes, that recently entered the legal system with the youngest member facing (6) felony charges. <the William Est case incidents include the drug overdose of a female on the Est property and a stabbing of William Est by another young female>

A chapter will reveal the multiple media sources that were given the information regarding this second amendment case many times as it progressed. Notable will be the complete absence of reporting by these many news media outlets in light of strong second amendment rights interest in Montana.

Research is where interesting facts on rights and laws were learned and are shared.

The Court chapter reveals the legal system documents that dot the I's and cross the T's. Where you learn that a criminal case attorney is outside the finances of most defendants that don't have $10's of thousands of dollars. Where the legal system routinely convicts the innocent via an 80% trial conviction rate and where the innocent often plea bargain to end the nightmare. From that you will understand the difference between a legal system and a justice system. And the legal system fails ...demeaning the rule of law by allowing the law to be different for the lower income defendant Vs the wealthy defendant and by limiting the facts available to the jury. In America, we have the best legal system that money can buy.

Video is a chapter that will contain bodycam video transcripts and video segments from the bodycam videos relevant to the self-defense event. Video links will be included.

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Chapter 5 - PDs (public defenders)

Chapter 6 - Est (family of Cline)

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Chapter 8 - Media-Aux (where case information was shared)

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What this ebook will show are the errors made in the legal systems processes as it lurched toward a goal of conviction. Where errors like false evidence placed in front of a jury were allowed, where facts available from discovery never made it to the jury, and where cherry picking of the evidence was used to support the State's argument. AKA Debra Jackson's "version of the facts". Where a lie was allowed to be told to the jury when the county attorney, deputies atkin and hughes, and both of the public defenders had full knowledge and knew that it was a lie. The story starts with Cline, the "alleged" thief, Cline’s story is assisted by deputy Atkin, and that story is promoted by county attorney Debra Jackson in order to get a conviction. This case is a perfect example of what is known as a "miscarriage of justice". You may want to jump right in with bodycam video clips...and if you are in a hurry read the introduction, the conclusion, and watch and listen to these bodycam video clips:

weapon discharge location clip

video trim cline stmts 3

video trim cline stmts 2

This case is now on appeal to the Montana Supreme Court as false evidence and false testimony were used by the Mineral County Attorney to achieve a conviction on the felony charges.

Appeal #DA - 25-800 Montana Supreme Court

Lead attorney: Tammy Hinderman

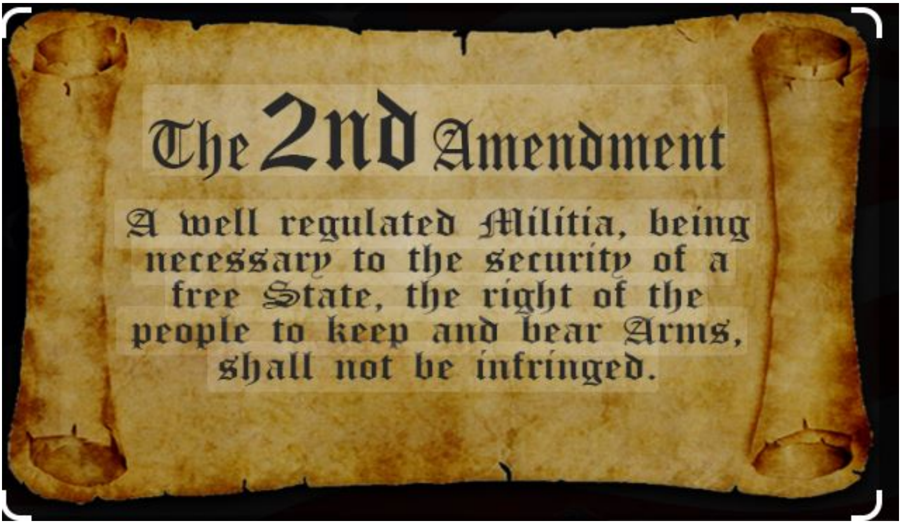
recent motion 12/23 12/24/2025 (ext to file transcripts & unsworn declaration)

new due date for transcripts to be filed: Wed March 25, 2026

William Est DC-31-2025-0000007-IN

jury trial - Mineral District Court - 3/2/2026

attorney: Molly Woodman



The 2nd Amendment

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The right of self-defense is a basic human right, some consider it a civil right, a natural right.

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Ebook updated 12/2025, GF… this Introduction, Chapter 2, Chapter 3 [POST contact and reply, ODC contact]

Chapter 1 – Warren Adrian Cline

states complaining witness #1 Warren Adrian Cline

Warren Adrian Cline Born Aug 1967

violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violationation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id

Warren A. Cline Sanctions Offense Date Apr 2, 2020

Charges Filed Date Apr 8, 2020 Age at Time of Charge or Offense 52

Crime Location Crook, OR

Previous charges: BURGLARY IN THE FIRST DEGREE

BURGLARY IN THE SECOND DEGREE

ASSAULT IN THE FOURTH DEGREE

CRIMINAL MISCHIEF IN THE SECOND DEGREE

FAILURE TO APPEAR IN THE FIRST DEGREE

DISORDERLY CONDUCT IN THE SECOND DEGREE

POSSESSION OF HEROIN

CONTEMPT OF COURT

DISORDERLY CONDUCT IN THE SECOND DEGREE

from warren cline facebook pages

...Moved to Saint Regis, Montana--July 16, 2020...From Oregon City, Oregon--June 10, 2020 in Oregon City, Oregon...Lived in Prineville, Oregon

Our top match for Warren Cline lives on SE Willowdale Dr in Prineville, Oregon and may have previously resided on Riverview Ave in Prineville, Oregon. Warren is 57 years of age and may be related to Jean Cline, Heather Est and Jamie Seykora.

To search Oregon criminal records for Warren Cline/Paula Nicol

Oregon Criminal Records

Warren Cline bodycam video #1

Warren Cline bodycam Video #2

States witness #2 - First Name Paula Middle Name Deanna Last Name Nicol

Birth Information Age52 Born Oct 1972

Deanna Paula Nicol Deanna Paula Jordan Deanna P Nicol Paula Deanna Jordan D Jordan P Jordan Deanna

violation of basic rule | violating the basic speed rule | parole violation. | parole violation. dws felony | viol ignition interlock device installation condition | criminal driving while suspended or revoked | assault 4th deg - 4- domestic abuse | failure to appear 2nd deg | failure to appear in the second degree | driving uninsured | disorderly conduct in the second degree | disorderly conduct | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | drive under influence intox | parole violation. | probation violation | sanc probation sanction | exceed maximum speed | criminal mischief in the second degree | careless driving

19CR57037 | State of Oregon vs PAULA DEANNA NICOL

1 Criminal Driving While Suspended or Revoked 811.182(3) Felony Class B 08/29/2019

2 Unlawful Possession of Methamphetamine 475.894(2)(a) Misdemeanor Class A 08/29/2019

atkin_body_camera_Josh_Ferren_Assault_with_a_Weapon atkin reads warren rights 1:30/19:05 warren-- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substantiate charges) warren "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --warren is trying to say someone ? can't make out the name (bubba)? might be the thief - "this guy bubba..." "I gave him (josh) my bibs" 09:00/19:12 atkin reads joshua miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" joshua "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "you just told me it was a scare tactic " joshua: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs" joshua: "I'm not resisting arrest I am resisting unlawful arrest" atkin lets warren out of the car (to warren) "you told me you were in fear" “yes, I was afraid, I’m always afraid” ... warren leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for paula-- paula: "I was standing right back here and then he shot the gun at 'em (at warren)" <**both witnesses are lying at this point**> "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "warren was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/warren/paula look at camera to see if there are images of josh on the property)(warren and paula live in an attachment to the trailer (est) at 320 cabin city loop, close enough to hear and know of the incidents related to charges against william est - a travel trailer with a shed built over it, 30:28 paula: "and I was preaching about alcohol before and I'm drinking" "I quit drinking for 6 months and then I started again" - hughes says "he didn't see him today (warren)" and earlier in the conversation warren said he gave josh a spark plug that day - atkins "and humans don't shoot at other humans" (now this is rich coming from the guy that killed people in Iraq as a tank gunner) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41

[re: paula nicol drinking during incident - Joshua " I was just about back to the driveway when she came off chucks porch. Yes she was drinking. Could smell it on her breath."]

#1 witness starts out lying (weapon discharge statements, then about his time on defendants property, and asserts that someone named "bubba" may have been the thief)... IMHO a low budget criminal and likely the cause of the increase in anti-social behavior at the est/cline family's residence since he arrived there in 2020. During the trial in May 2025, Warren added to his story with his “fear of being shot in the back” saying the shot was fired at his feet as he turned to leave, so he turned back around.

[45-7-205. False reports to peace officers --45-7-205. False reports to peace officers. (1) A person commits an offense under this section if the person knowingly:

(a) gives false information to any peace officer with the purpose to implicate another;

(b) reports to a peace officer an offense or other incident within the officer's concern knowing that it did not occur; or

(2) A person convicted under this section shall:

(b) if the crime falsely reported was a felony, be sentenced to not more than 4 years in the state prison or fined not more than $10,000, or both.]

video trim cline stmts

Transcribed by TurboScribe.ai**.**
(0:04 - 0:07)
Talk to me. Talk to me. Talk to me.
(0:08 - 0:11)
Stop right there. Okay, all right! Stop moving. Okay.
(0:12 - 0:16)
Do you have any weapons on you? No, sir, I do not. What's your name again? Warren Cline.
Okay, Warren.
(0:17 - 0:22)

Before I talk to you at all, I need to make sure you're aware of your rights. Okay. You have the
right to remain silent.
(0:22 - 0:27)
Anything you say can and will be used against you in a court of law. All right. You have the right to talk to a lawyer and have him present while you're doing a question.
(0:27 - 0:36)
If you cannot afford to hire a lawyer, one will be appointed to represent you free of any cost to you. You can decide at any time to exercise these rights, not answer any questions or make any statements. Understand that? Yes, sir.
(0:36 - 0:43)
Okay. Sorry, he's just out here shooting at me and shit. He's shooting at you? Well, right here at the ground, right next to me, yeah.
(0:43 - 0:49)
I mean, you know, right there, there's a bullet hole in the ground. Right next to where I was
standing. Okay.
(0:49 - 0:52)
Like three feet away. Yeah. All right.
(0:52 - 0:55)
Tell me about the ingot. I have no idea. I haven't seen it ever.
(0:56 - 1:02)
Not even, I didn't even know he had one. I knew he had a little drop about this big of silver. I
had no idea he had an ingot.
(1:02 - 1:06)
I had no idea. Okay. And I wouldn't steal nothing from him anyway.
(1:07 - 1:11)
I came over there to buy some parts from him. I bought some parts for the front of that Dodge. That's all.
(1:12 - 1:18)
Only time I've been over there. And I don't even go in his house. I stand out on front porch with him.
(1:18 - 1:28)
You know, I brought him a drink and I tried to give him a spark plug for his chainsaw today.
That's the only reason I came over there. Only time I come over there is when he comes home.
(1:28 - 1:40)
I never go over there when he's not home. Ever. I've been over there probably three times this week to get the parts off this other white truck that he's got.

(1:40 - 1:45)
Okay. Have you ever been in his house? Yeah, I have been in his house before. But it's been a
long time ago.
(1:45 - 1:52)
It's been like three weeks ago or something like that. He showed you something about an
ingot? No. He never showed me no ingot.
(1:53 - 1:55)
No. He had a little drop of silver. It was about this big.
(1:56 - 2:06)
About that big around. I gave him some stones to break down because I thought maybe they
had gold in them or whatever. And so I gave him some to break down and melt.
(2:07 - 2:13)
But no, I've never taken nothing from him. I would never steal from my neighbor. I mean, I
value my neighbors.
(2:13 - 2:20)
They're my neighbors. I mean, if we don't have each other, we got nothing. I fucking love him
like a friend.
(2:21 - 2:26)
He's a little drunk right now. Tell me about the gunshot. I don't know.
(2:26 - 2:35)
He's just fucking trying to get me to cop to it or something. I don't know. He just shot at the
ground and was trying to make me tell him that I stole it or whatever and bring it to him.
(2:36 - 2:42)
But I didn't take it from him. He must have misplaced it or something. Because there isn't
anybody around here.
(2:43 - 2:49)
I keep a pretty good close eye on his place and stuff when I'm home. But I'm down to work, too, all the time. I work every day. (**where** ?)
(2:49 - 2:57)
So did it scare you whenever he did that? Yeah. What did you think was going to happen? I
don't know, man. He's fucking going for his gun like three times, man.
(2:57 - 3:01)
It freaked me out. I don't have a gun. I don't carry a gun.
(3:02 - 3:07)

I mean, I got a BB gun. That's it. Right.
(3:09 - 3:15)
Where was this at? Right there in my driveway right there. There was a bullet hole right there in the ground. Okay.
(3:15 - 3:20)
Was it the pistol that he had on himself? Yep. Okay. He's going to pull it on me like three times.
(3:21 - 3:24)
I don't know. I've never done that. I've never fucking done nothing like that.
(3:24 - 3:35)
He was out here yelling at my old lady, telling her that I was stealing from him or she was
stealing from him. He tried coming at my old lady. Fucking, you know, that's like, dude, no.
(3:36 - 3:43)
Do you have an ID on you? Yes, sir. I do. Yeah, no, he freaked her out, freaked me out.
(3:44 - 3:52)
You know, that's pretty scary when you've got a loaded gun. Somebody shooting at you and
stuff. How close were you? I was like from medium, you know.
(3:53 - 4:03)
Not even two feet away, three feet. It was just way above and beyond. I mean, I would never
steal from him.
(4:03 - 4:19)
You know, I don't know who stole from him, but it's not me. I've had things come up from my
yard missing too, you know, like my ashtray and a couple other things, you know. A chip-on
chair, you know, things, you know, that just, I don't know who took them, you know, whatever.
(4:20 - 4:28)
And a lot of times I think it's Barb. You know, she's just kind of weird. But it could be anybody.
(4:28 - 4:39)
I know there's a mattress in the neighbor's yard, like right outside my back window. I have no
idea why it's there, a mattress and a pillow. I don't know who's staying there, what's going on
with that.

(4:39 - 4:47)

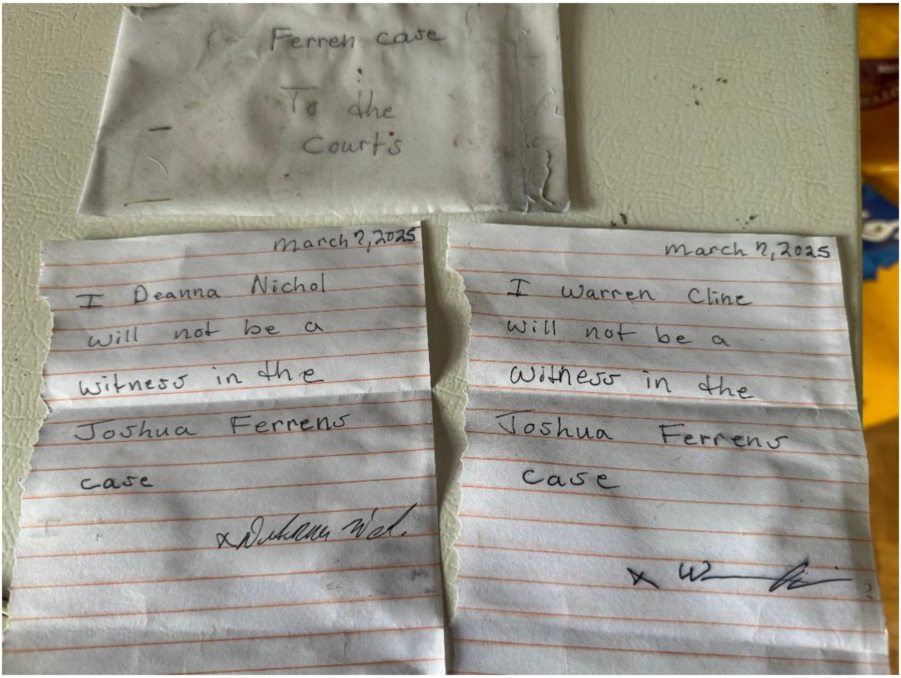
But, you know, I've never seen anybody in it. But, you know, it's like, I don't know. Bob (or bubba?) lives up here somewhere.
(4:47 - 4:59)
He's got a camp or something. There was a couple pieces of metal come up missing, you know, like my roofing metal and stuff like that, you know. I don't know, you know, what he's capable of coming up, picking up things and taking, you know, or whatever.
(4:59 - 5:04)
He's the only one that I know that's been up here camped, you know. And so. Okay.
(5:04 - 5:11)
You have a good phone number? Yeah. 541-610-2123. (Cline's phone#) And he's been up here.
(5:11 - 5:17)
He delivered my firewood this last winter. He delivered, like, five cords to me last winter. So he knows where I live.
(5:17 - 5:23)
You know, he's been up here a couple times. And I just. In Josh's house? No.
(5:25 - 5:33)
Bubba delivers me firewood. Bubba, he delivered me firewood last winter. So why would Josh
be trying to accuse you of.
(5:33 - 5:38)
I have no idea. He thinks I'm the only one that's been around and knows about his ingots or
whatever. But I don't.
(5:38 - 5:41)
I wouldn't touch his ingots. I got my own job. I got money.
(5:42 - 5:48)
If anything, I give him money, you know. If he needs money for gas, anything, you know. I've
helped him out.
(5:49 - 5:57)
Everything, you know. Anything he needs, you know. Like, I loaned him my laser, you know, so he can level cut his logs, you know, and stuff, because he's building a log house and all that
stuff.
(5:57 - 6:17)
I'm trying to build a floor. I've loaned him my, you know, the splash guards, leather, you know,
so that he doesn't fucking blow up, you know, or something, trying to smelt, you know, down
rocks and stuff, you know, because I worry about him getting splashed

by the molten glass, you know, molten metals, you know, and stuff. So I gave him my chaps, you know, and the covered bibs, you know.
(6:17 - 6:24)
Nice leather set, you know. And, you know, I give him whatever, you know. If he needs help
with anything, you know, I try to help him out, you know.
(6:25 - 6:30)
But I wouldn't steal from him. There's no way. You know, I just try to help him out as much as I can.
(6:30 - 6:39)
You know, his truck is broke down, and I just try to help him with that, you know, if he needed money or anything. He's my neighbor. <atkin> I'm going to have you sit in my car real quick while we talk to you.
(6:39 - 6:49)
You don't have any weapons on you? No, sir, I do not. Do you have a phone on you? Yeah, I
have my phone. Can I smoke my cigarette? No, let's save that for later, okay? We'll put that right on the hood.
(6:49 - 7:12)
Oh, man. Can I have just, like, one drag or something? Please? It's only going to take me a
minute.

video trim cline stmts 2

the above link is the clip of the bodycam video showing cline/atkin interaction

Cline and Nicol did not want to go to trial, for obvious reasons, and were subpoenaed by Mineral County Attorney Debra Jackson



Ferren case

To the Court's

March 7, 2025

I Deanna Nichol will not be a witness in the Joshua Ferrens case

March 7, 2025

I Warren Cline will not be a witness in the Joshua Ferrens case

8/16/2025 – Probation and Parole Pre-Sentence Investigation Report Victim’s Impact

One of the victims in this case declined to make a victim’s impact statement due to fear of reprisal from the Defendant. The following victim statement is from Warren Cline:
"*I'm not sure on the punishment, but I don't think he should be able to live across the street from us, especially with that kind of assault.*
It wasn't fair, it wasn't nice, and it was a very scary situation for which he definitely needs to be punished. I'm not sure how much time or whatever. I don't like the fact that he lives right across the street from me and has his gun and his scope. I feel like he's scoping me all the time. I don't feel safe anywhere in my yard. It sucks. I don't think it is fair. I don't think it is right. I had no weapons. I didn't pose any kind of threat. I have been very fair and very neighborly to him and there was no reason for that. I don't feel safe at my home anymore."

<posted to Mineral County Uncensored FB group – Glenn

Ferren>
Remember this guy ? the criminal in cabin city, criminals like warren are learning how to game the system -> 8/16/2025 – Probation and Parole Pre-Sentence Investigation Report - Victim's Impact

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The following **victim statement** is from Warren Cline:

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Warren Adrian Cline Born Aug 1967

violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg |

disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id --Previous charges:

BURGLARY IN THE FIRST DEGREE

BURGLARY IN THE SECOND DEGREE

ASSAULT IN THE FOURTH DEGREE

CRIMINAL MISCHIEF IN THE SECOND DEGREE

FAILURE TO APPEAR IN THE FIRST DEGREE

DISORDERLY CONDUCT IN THE SECOND DEGREE

POSSESSION OF HEROIN

CONTEMPT OF COURT

DISORDERLY CONDUCT IN THE SECOND DEGREE

<the defendant in this case has no weapons per court order, and as for warren's fears ; his statement on the bodycam video made to deputy atkin.. atkin - "you told me you were afraid" , cline - "yes I was afraid, I am always afraid"> verbatim from bodycam video -> <Yeah, I'm scared as shit. I'm always scared.>

Since the PD's never deposed Warren, we do not know where he works (or if he works), but something/someone is paying for Warren's Harley, his dodge truck, his girlfriends vehicle, and a motorhome (recent addition), things like fuel and food. Warren seems to have a few assets and is acquiring more on a regular basis with no visible job or occupation. Perhaps he plays the stock market or has a lot of cryptocoins ? Some may wonder if he has a sideline "business" and/or is working for the drug task force making those connections needed for drug busts.

As for Cline's court testimony, the addition of the "afraid I was going to be shot in the back, no mention 8/11/2024, is surprising *just on a general impression of Warren's cognitive ability, do you suppose he was directed/coached to add that statement by ???*

406Revolutionized's Post

Mineral County, MT. Community ·

406Revolutionized - december 21, 6:37pm

FULL COURT-DOCUMENTED RECORD — RYAN FUNKE (LAKE COUNTY)

(Facts only. No rumors. No embellishment.)

There's been a lot of confusion, so here is everything that is confirmed in Montana court records about Ryan Funke, laid out clearly and accurately.

Who he is / where this happened

Ryan Funke was a Lake County Sheriff's Office deputy.

The misconduct at issue occurred during his employment in Lake County.

A Mineral County District Court judge later ruled on disclosure obligations because Funke's testimony could affect criminal cases there.

The substantiated findings (this is the core issue):

A March 17, 2017 administrative investigation substantiated that Funke:

Filed false and/or misleading police reports

Made false statements in official investigations

The court reviewed the investigative records in camera (privately) and confirmed these findings were supported by evidence.

What supported those findings:

Video evidence contradicted Funke's written reports

Other deputies' reports conflicted with his accounts

Specific incidents referenced by the court include:

The Ninepipes Lodge incident

The Laser Pointing incident

The judge found this showed a pattern, not a clerical mistake.

What the court ruled (this is critical):

Funke’s falsification of reports is classic Brady/Giglio material.

This means:

If prosecutors rely on Funke’s testimony or reports,

They are legally required to disclose his credibility issues to defense attorneys.

A prior settlement agreement cannot be used to hide this information.

The court explicitly rejected any attempt to shield these records from disclosure.

What the court said about credibility:

The judge stated Funke may:

Exaggerate facts

Embellish reports

Be unreliable as a witness

The court emphasized that jurors often give police automatic credibility — which is dangerous when an officer has a documented history of dishonesty.

Lawsuit & settlement

Funke sued Lake County over his employment and conduct.

The case ended in a settlement agreement where:

He resigned

He received severance

The county agreed not to “publicize” the investigation

The court made clear:

You cannot contract around constitutional disclosure duties.

Important accuracy note — what was NOT substantiated:

Allegations of abuse of authority in a separate matter were not substantiated

Rumored allegations involving illegal hunting/“Coyote Club” activity were not substantiated

The court explicitly warned against spreading unproven allegations due to defamation risk

Sticking to proven facts matters — and the proven facts are already serious enough.

Why this matters to the public:

Funke is now a Brady-impaired officer.

Any criminal case relying on his testimony or reports:

Must disclose his history of falsifying reports

Is vulnerable to credibility challenges

Past cases involving his reports may warrant review.

Transparency here isn’t optional — it’s required by law.

This is not gossip.

This is not character assassination.

This is documented judicial fact.

Accountability doesn’t fear sunlight.

— 406 Revolutionized

Justice. Transparency. Truth.

Comments: (note this one especially...projection, hypocritical, gas-lighting comment)

Warren Cline

"Well it just means he can't be trusted and he can't testify in court

this makes him useless as a police officer you have to be honest first all"

Update pending trial date: William Est DC-31-2025-0000007-IN

jury trial - Mineral District Court - 3/2/2026

attorney: Molly Woodman

Chapter 2 – Deputy Ethan R Atkin

WIDE LOA
12FT (3.6m)
EXIT 1 M
SHERIFF

Deputy Ethan R Atkin
#54-4

Deputy Atkin created a crime where none existed and failed to investigate the actual crime of theft. Deputy Atkin created a misleading incident report as relates to the weapon discharge and the fact that the “warning shot” was never fired at Warren Cline. Warren Cline based his trial testimony on a bullet impact location “right at my feet” photo that was not the photo of the actual bullet impact location. From that lie he moved to the next with …“the shot was fired as I turned to walk away”, “I was afraid I was going to be shot in the back”. This false testimony lead to the guilty verdict by the jury as their one question to the court was …“was warren cline walking away when the shot was fired ?”.

Atkin was either using Cline to make charges and an arrest against the defendant, or Cline played Atkin for a fool. My southern poor white trash radar went off the minute I saw Warren Cline on the bodycam video. And you’d have to be slow

not to recognize the bullshit about someone named “bubba” that must have been the one who did it according to Cline.

Some background info on Deputy Ethan R Atkin #54-4 :

Mineral County Sheriff’s Office Deputy Ethan Atkin is pleased to be able to return home after serving in the U.S. Army and as a lawman in Texas (joined MCSO 8/5/2020)

Then on August 5 Undersheriff Wayne Cashman, Deputy Ethan Atkins, and Deputy Shawn Visintin were also sworn into duty.

July 21, 2023 -- 1:15 PM Request to keep Ethan Atkin in his full-time position as a deputy-Action Item

Present: Wayne Cashman- Undersheriff, Lisa Denn- citizen, Ken Verley- citizen, Patti Curtin- citizen, Gordon Hendrick- citizen

Wayne requested keeping Deputy Ethan Atkin as a deputy with the end of his grant funded position.

Upon further discussion, it was learned that the actual request is to add the deputy position that was previously paid by a grant.

Commissioner Simons moved, and Commissioner Terrill seconded to table the request until the budget could be researched, hopefully for next week. Motion carried unanimously.

The second deputy is Ethan Atkin who went to high school in Frenchtown before he worked for the Missoula County Detention Center. (came back to Montana from Texas, read somewhere else he was from whitefish)

[Ethan Atkin is 45 years old today because Ethan's birthday is on 08/21/1978. Before moving to Ethan's current city of Frenchtown, MT, Ethan lived in Cedar Park TX and Round Rock TX.Ethan R Atkins, Ethan R Atkin and Ethan Roy Atkin are some of the alias or nicknames that Ethan has used.]

>>there is/was an active case against ethan roy atkin in missoula county for personal injury/death (filed feb 13, 2024 - status says active) ...

https://trellis.law/case/30063/dv-32-2024-0000162/michael-zachariasen-vs-ethan-roy-atkin-et-al

Zachariasen, Michael filed a personal -Torts case represented by Howard, Molly K. , against Atkin, Ethan Roy, Dogwatch of Montana

LLC, in the jurisdiction of Missoula County. This case was filed in Missoula County Superior Courts District with Marks, Jason presiding.

https://www.pacermonitor.com/public/case/53437487/McCracken_v_Atkins_et_al

<allard and funke signed off on the rim_condensed report/by atkin/hughes>

Some info on deputy Allard → 3/2025 - by BRUCE MOATS Mineral Independent

Court decides Brady dispute November 27, 2024 12:00 AM

"Micah Allard's personnel file will remain expunged of the allegations that led to his firing by the former Mineral County sheriff, according to a court ruling filed last Wednesday at 6:15 p.m.

The court ruled that the allegation against Allard was not sufficient to be disclosed under the Brady doctrine. The ruling came in the case filed by Sheriff Ryan Funke against the county commissioners for failing to process his rehiring of deputy Allard. The county has since relented, and the case came down to whether a settlement agreement stood with the county that expunged (eliminated) the allegations from his personnel file.

However, the county attorney's motion also sought to void the nondisclosure provisions of a settlement agreement between Sheriff Funke and his former employer, Lake County. It is unclear if or when the court might rule on Funke.

While Funke's agreement is attached to the county attorney's motion, it is sealed so the public cannot read it. The motion says the agreement contains a provision that its terms would be confidential. The county attorney got the agreement pursuant to a court order, but not for public disclosure. It has also obtained through subpoenas information not in Funke's personnel file, including the Lake County attorney's investigation and apparently a separate investigation by "Investigator Max Muller." "--- ***Funke - search "coyote club" lake county - "its not against the law, if you are the law ..."**

<lake county investigations -In order to determine whether there is

any subject within the scope of the

operation of the Attorney General or the POST Council, or both, involving the situation

in Lake County, I’ve turned to the following four newspaper articles that are available

online concerning the Lake County situation: (1) the story by Matthew Frank appearing

in the December 1, 2011, Missoula Independent (“Above the Law”); (2) the story by

Myers Reece appearing in the Flathead Beacon on November 23, 2011, (“Misguided

Brotherhood”); (3) another article by Matthew Frank appearing in the December 10,

2011, edition of the Missoula Independent (“More on the Misconduct in Lake County”);

and (4) a story in the Beacon by Kellyn Brown, appearing in the December 9, 2011,

edition (“An Unusual Raid”).

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/Feb-2012/David%20LJIC%20Oversight.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/April%2019-20,%202012/Lake%20Co%20investigations.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/April%2019-20%2C%202012/missoula%20independent%20article.pdf

"When one of the deputies heard this during their meeting with Batista and Bullock, he pointed to the Montana statute that states that it's the duty of the attorney general to "exercise supervisory powers over the county attorneys in all matters pertaining to the duties of their office," including "the power to order and direct county attorneys in all matters pertaining to the duties of their office.""

https://archive.legmt.gov/content/Committees/Interim/2011-2012/

Law-and-Justice/Meeting-Documents/June%202012/041812_LJIC %20ltr%20re%20Lake%20Co.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/June%202012/AGLetters.pdf

Sargeant v. Bell, CV 15-116-M-DLC-RWA, (D. Mont. May. 26, 2017) (“United States Magistrate Judge Richard W. Anderson entered findings and recommendations in this case on January 12, 2017, recommending that Defendants Don Bell, Lake County Sheriff's Office, and Lake County's (collectively "LSCO") motion for summary judgment be granted in all respects and that Plaintiffs' complaint be dismissed. Plaintiffs Mike Sargeant ("Sargeant") and Ryan Funke ("Funke") filed a timely objection”)

Sargeant v. Bell, CV 15-116-M-DLC-RWA, 2 (D. Mont. May. 26, 2017) (“This case stems from investigations into an alleged poaching ring called the "Coyote Club" in Lake County, Montana. Sargeant and Funke were accused of participating in the poaching ring while on duty and while in law enforcement vehicles. The first investigation was initiated by the Montana Fish Wildlife and Parks ("FWP") in 2010, but no charges were brought against the Plaintiffs or any other individuals. In 2014, Don Bell was elected Sheriff of Lake County and took office in January 2015. Similarly, Steve Eschenbacher ("Eschenbacher") was the newly elected Lake County Attorney. Eschenbacher had heard of the Coyote Club and was concerned when a few years prior no charges were brought.”)

Sargeant v. Bell, CV 15-116-M-DLC-RWA, 6-7 (D. Mont. May. 26, 2017) (“Many of the witness statements were from informants wholly unconnected to each other that independently establish that Sargeant was illegally spotlighting and/or taking wild animals, and that Funke may have helped conceal the illegal conduct. (See Doc. 35-1 at 8-18.)”)

https://casetext.com/case/sargeant-v-bell

Ryan Funke removed animal mounts from Sargeant's home. In September 2010, Bowen and a tribal game warden interviewed Jason Nash, who claimed ...

https://issuu.com/missoulanews/docs/missoulaindependenti30072513/20

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

***atkin (54-4) - rim_condensed report - approved by micah allard

08/18/1967 - warren adrian cline - 6' 210lbs - age 56

"Warren said Joshua had shot at the ground right next to him." atkin identified the bullet impact location, it was not where it was indicated by cline.

"Warren also said he was scared when Joshua shot the ground." cline did not express any fear, argued loudly, "got right in my face" per Joshua, did not cry out for help or move away, DID NOT call MCSO or 911.

"It should also be noted Joshua had glassy bloodshot eyes, was slurring his speech and had an odor of an alcoholic beverage emitting from his person. The drink Joshua had been carrying also smelled of an alcoholic beverage." (exaggeration - implied drunkenness- review bodycam videos)

"Warren then showed the spot where Joshua had shot in the ground. I took photographs of it, as well as another hole which he had mistaken for the gunshot." (misrepresentation of facts) warren showed atkin the bullet impact spot where he was standing (see img #3119) , atkin determined that what warren was showing him was not the bullet impact location and identified the actual bullet impact location (see img #3122) - atkin confirmed that joshua had not shot in the ground "right next to him - "Warren stated he had been standing in one spot,..."

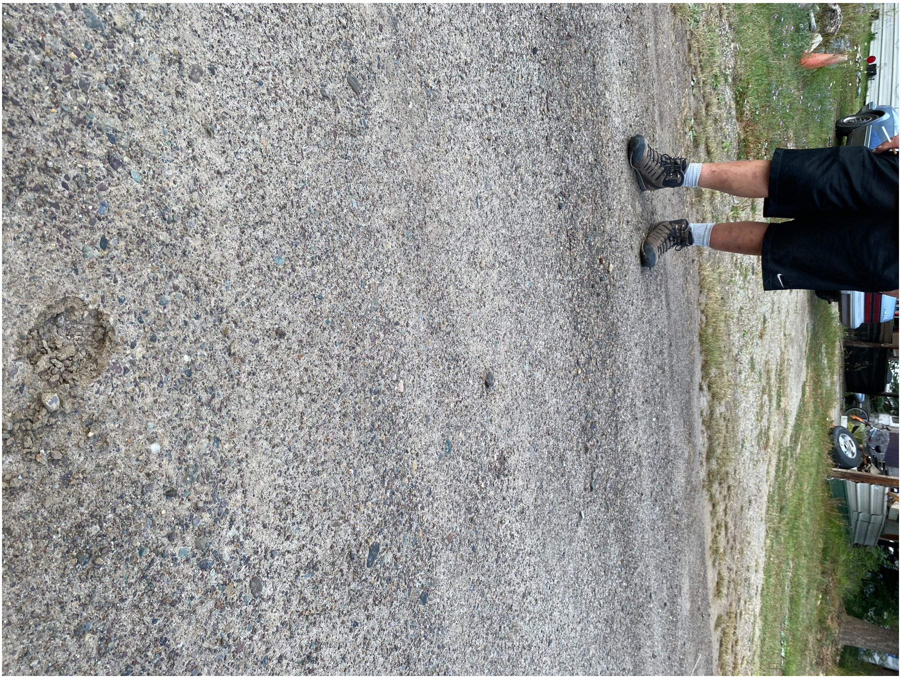

image #3122 (hole), actual bullet impact location, note its position relative to cline’s standing/stated location during the argument.

"According to Paula, Warren had been talking calmly to Joshua," Warren per Joshua was yelling loudly "I am not a thief"

***hughes (JH5184) - approved by ryan funke
"I Deputy Hughes was contacted by Deputy Atkins to assist him at 331 Cabin City Loop for the reporting party has a history of aggression with law enforcement..." (previous "aggression" Joshua called atkin a "coward" and said "do your job"

***statements made to hughes were made before miranda rights were read to Joshua, used in trial as a "voluntary statement"

atkins arrives at hughes location handcuffs Joshua and reads him the miranda rights

"Deputy Atkin asked Josh if he fired a weapon at the other male. Josh admitted he did to "intimidate" the male from coming any closer to him. Josh advised he felt threatened as the other male weighed more than him and he was protecting himself." (see **bodycam video for Joshua's exact words and the weapon was not fired at warren cline)**
"We advised him that he was told by dispatch to not confront the other party and to wait for law enforcement but refused to listen." (Joshua walked to road to see if cline’s car was at location, Nicol approached Joshua in road and started conversation/argument)

"Deputy Atkins had to use force to get Josh into the vehicle where he was then seat belted." (misrepresentation of actual act - of lifting Joshua's feet into vehicle. "use force" - ???)

"Josh asked for his dogs to be fed and I advised Deputy Atkin once he returned." (dogs were not fed and watered, MCSO sent a person out (3) days later to care for the dogs that were left in the house)

RIM_Condensed_Report

ReportNumber:240000275000MineralCountyPage1of8
ReportNumber:240000275000**ReportDate:**08/11/202418:49**ReportType:**PRE
CADNumber:2024081116
Location:331CABINCITYLOOPRD
District/Zone:66
ST.REGIS,MT59866**Division:**
ReportingOfficer:EA167-ATKIN,ETHAN**Date:**08/11/2024
ApprovedBy:MA3376-ALLARD,MICAH**Date:**08/17/2024
UCRStatus:NOTAPPLICABLE(NOTCLEAREDEXCEPTIONALLY)**Date:**08/11/2024
CaseStatus:ACTIVEOROPEN**Date:**08/11/2024

Victim Name Offense Description
CLINE,WARREN A 0414 Assault with a weapon
Victim Name Offense Description
CLINE,WARREN A 0835 INTIMIDATION
Victim Name Offense Description
NICOL,PAULA D 0414 Assault with a weapon
Suspect/Offense

FERREN,JOSHUA D 0414 Assault with a weapon
Suspect Name Offense Description
FERREN,JOSHUA D 0835 INTIMIDATION
Suspect Name Offense Description
FERREN,JOSHUA D 0821 Resisting arrest

Narrative:
Report of theft resulting in arrest for assault with weapon.
On 08/11/2024 at approximately 1849 hours, I Deputy Atkin 54-4 was advised Joshua Ferren from 331 Cabin City Loop Road called Dispatch, claiming his neighbor had stolen a silver ingot from him. I had previous dealings with Joshua in which he was always carrying a firearm, and frequently intoxicated. Joshua was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music. While in route, I was informed by Dispatch, Joshua intended to confront the neighbor. I advised Dispatch to instruct Joshua not to approach the neighbors until law enforcement arrived. I arrived on scene at approximately 1904 hours, Where I observed Joshua angerly walking down the road with a white metal drinking

container in his hand and a pistol on his right hip. I also observe the individual identified as Warren Cline walking from the property at 320 Cabin City Loop. Joshua was belligerent, pointing to Warren telling me to go get his silver from him before he hides it. I asked Joshua how he knew Warren had his silver, and he stated because Warren was the only one who had been in his house in the last year and the silver was the only thing missing. I told Joshua to stay by my car while I spoke with Warren. Joshua continued to yell at Warren as I attempted to speak with him away from where Joshua was.

I read Warren his Miranda Rights, which he stated he understood.

<Image shows Warren Cline and hole in roadway that Cline claimed to be bullet impact location “right at my feet”, when in fact, the bullet impact location was several feet to the South of Cline and in the direction of the Ferren property. About as far from “right at my feet” as possible.

Warren said Joshua had shot at the ground right next to him. Warren then stated he did not take Joshua's silver ingot. According to Warren he had been aware Joshua had a small drop of silver, but was unaware he had an ingot. Warren went on to say he never steal anything from him. Warren also said he was scared when Joshua shot the ground. Warren felt Joshua was trying to get him to admit to stealing the silver. Warren continued saying Joshua went for his gun three times while they were talking and it freaked him out. I instructed Warren to sit in the rear seat of my patrol vehicle while I spoke with Joshua.

Press Ctrl key and click on html link to open

bodycam video clip - warren cline

<Joshua had been disarmed by hughes upon arrival at the scene, was atkin afraid the 140lb defendant was going to beat up two sheriff deputies ? >

Due to what Warren had told me about Joshua firing a round near him, and the volatile behavior he was exhibiting, Deputy Hughes and I placed Joshua in handcuffs, which caused him to become even more argumentative. I read Joshua his Miranda Rights, which he stated he understood. I asked Joshua about the gunshot, to which he stated "scare tactics".

Joshua went on to say Warren had walked up to him aggressively so he pulled his gun out and shot in the ground, saying "I want my shit back." It should be noted at this point, he had previously been instructed to not approach Warren until law enforcement arrived. I then placed Joshua under arrest for assault with a weapon. Joshua was extremely agitated and argumentative. I attempted to explain to Joshua he could not use fire arms as an intimidation tactic, but Joshua continued to argue. When I attempted to place Joshua in the rear seat of Deputy Hughes' patrol car, Joshua refused, causing me to have to pick him up and place him in the patrol vehicle. It should also be noted Joshua had glassy bloodshot eyes, was slurring his speech and had an odor of an alcoholic beverage emitting from his person. The drink Joshua had been carrying also smelled of an alcoholic beverage. Joshua stated that drink was his third drink of the day. Joshua became belligerent stating he was resisting an unlawful arrest because we were kidnapping him. Joshua also threatened a lawsuit against everyone involved.

<This is where Atkin screws up the incident report… truthfully written it would say … warren then showed the spot where Joshua had shot in the ground, a hole which he had indicated for the gunshot impact, I took photographs of the actual bullet impact site several feet south of warren's standing location and in the direction of the Ferren property.>

Press ctrl and click on html link to open
bodycam video clip – cline stmt regarding bullet impact location

->**Warren then showed the spot where Joshua had shot in the ground.** I took photographs of it, as well as another hole which he had mistaken for the gunshot. I also observed a spent silver 9mm casing in the area which I also photographed and collected. Warren stated he had been standing in one spot, not acting aggressively threatening towards Joshua when Joshua shot the round off in the ground.

Press ctrl and click on html link to open
defendant video of actual bullet impact location

I also spoke with Warren's girlfriend Paula Nicol. Paula stated she had been standing several feet away near a vehicle when Joshua shot the round off, which caused her to run away to the house. Paula was

scared she or Warren was going to be shot. According to Paula, Warren had been talking calmly to Joshua, and the calmer Warren got, the iraiter Joshua got until he pulled out out his gun and shot it. Paula stated she did not know anything about the missing silver or pot. Paula and Warren attempted to look at their surveillance footage to see if it picked up Joshua coming on their property prior to them getting home. I was unable to see any instances of Joshua on their cameras. Joshua was then taken to the Mineral County Jail where he was booked in for Assault with a Weapon, Intimidation, and Resisting Arrest. Josh's pistol, a 9mm Smith and Wesson M&P Shield SN: HXU2720 along with 1 magazine, 8 bullets, 1 spent casing and a black plastic holster were subsequently placed in evidence. Due to the lack of evidence as well as the uncooperative behavior of Joshua, I was unable to determine if a theft of silver or marijuana had occurred.
Attachments: - Body, Dash and Rear Seat Camera Video - Photographs
Nothing further at this time.

Deputy Ethan Atkin 54-4

ReportingOfficer: JH5184-HUGHES,JACK
Date: 08/11/2024

Narrative: Deputy Hughes Mineral County Sheriff Deputy **#54-5**

On 08/11/2024 at approximately 1849 hours, I Deputy Hughes was contacted by Deputy Atkins to assist him at 331 Cabin City Loop for the reporting party has a history of aggression with law enforcement and has already refused to listen to dispatch about not confronting the other party. Located within Mineral County Montana. Deputy Atkin arrived on the scene first and I was not far behind. Once I arrived I saw a male holding a drink in his left hand and a gun on his back right hip area. I also saw another male approaching from the north traveling south and the male with the cup was yelling. Deputy Atkin then took the other male away from the area and I had the male with the drink and gun come to my location to separate them.
I then took the male's gun and had him stand by my squad car. I then placed the gun in my squad car and continued the search of any other weapons finding a lighter and cigarettes along with a $50.00 that was left in his pocket.
I then spoke with the male (later known as Josh Ferren DOB 11/28/1982) he advised he was gone all day and was in the woods. He advised when he came home he was getting ready to smoke a bowl and noticed his Marijuana was gone. He advised he then began to search around his property and noticed the silver he had made for his kids was gone. He advised his neighbor who is the only one who has been to his house in the last year and he showed him the silver and knew where it was. He advised the neighbor was on meth and are thieves. He also advised that if the Sheriff's office handled them last time they should be gone. He advised everyone wants them to leave. He advised he should just burn down their house so they are not around anymore. Deputy Atkin soon returned after putting the other male into the back of his squad car. Deputy Atkin advised Josh to set his drink down and to put his hands behind his back. Josh first refused and I advised Josh he was being detained and soon after while cuffs were being placed on Deputy Atkin advised him he was under arrest. He then

advised him of his Miranda rights and Josh agreed to speak with him. Deputy Atkin asked Josh if he fired a weapon at the other male. **<the weapon was fired, but not at warren cline, review bodycam audio and photo images for actual statements and bullet impact location>** Josh admitted he did to "intimidate" the male from coming any closer to him. Josh advised he felt threatened as the other male weighed more than him and he was protecting himself. We advised him that he was told by dispatch to not confront the other party and to wait for law enforcement but refused to listen. Josh continued to argue while walking to the back of my squad car. Once at my squad car, Josh was advised to have a seat in the back but refused until he could again say what happened. He again advised us of his reasoning and was asked again to get into the vehicle but had refused. He was also advised that if he did not comply he was going to be charged with Resisting arrest. He advised he was not resisting but was resisting being detained and he was being kidnapped.

Deputy Atkins had to use force to get Josh into the vehicle where he was then seat belted. Josh also advised that he was going to put his hands up front due to it was uncomfortable.

He was advised not to do so or he could be charged.

I then was able to unload the weapon where there was one bullet in the chamber and 7 rounds out of 8 in the magazine. Due to Josh admitted to firing his weapon, this indicated before firing he already had one round loaded previously having 9 rounds total.

I then advised dispatch of the weapon and had them check to see the status of it. Dispatch advised there was no record found at that time.

During my interactions with Josh, I could smell a very strong odor of an alcoholic beverage coming from his person and breath. I smelled the cup that he had been drinking from and I was able to confirm the beverage to be an alcoholic beverage and disposed of the contents on the roadway. I then collected the rest of his belongings and placed them in my squad car for transport.

Josh asked for his dogs to be fed and I advised Deputy Atkin once he returned. He then spoke with Josh again and asked him if he wanted us to feed and water his animal. Josh said he did but then changed to continued arguing while being asked about his animals.

Josh also was asked if he had been drinking Josh advised he had two <that day> and was working on his third. Due to Josh's continued argumentative behavior towards Deputy Atkin and refusal to answer more about his animals, the back door to my squad car was closed. I then adjusted his seat belt again due to when he got his cuffs up front he had loosed it. During the transport and before we had left Josh continued to say that he wanted to be let out that he would deal with his neighbors his way and that he should be hired with the Sheriff's office and he would handle people like them and they would no longer be a problem. I believed with the statements Josh was making that if he was let out of custody he would have caused harm to the neighbors. Josh also tried what I believed to bribe me as he believed I was not doing the right thing by taking him to jail and if I wanted not be to in a lawsuit I was to turn around and bring him home to "let him handle" his neighbors.

Once at the jail, Josh continued to argue and threaten a lawsuit requesting the resignation of Deputy Atkins.

I believe in Josh’s comments on how he believed the situation should have been handled and also how he wants his neighbors to leave. That he would cause harm to the neighbors and possibly others.**<deputy hughes is not the most reliable source of details on this incident, hughes made false statements at the trial, the bodycam video is more**

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reliable>
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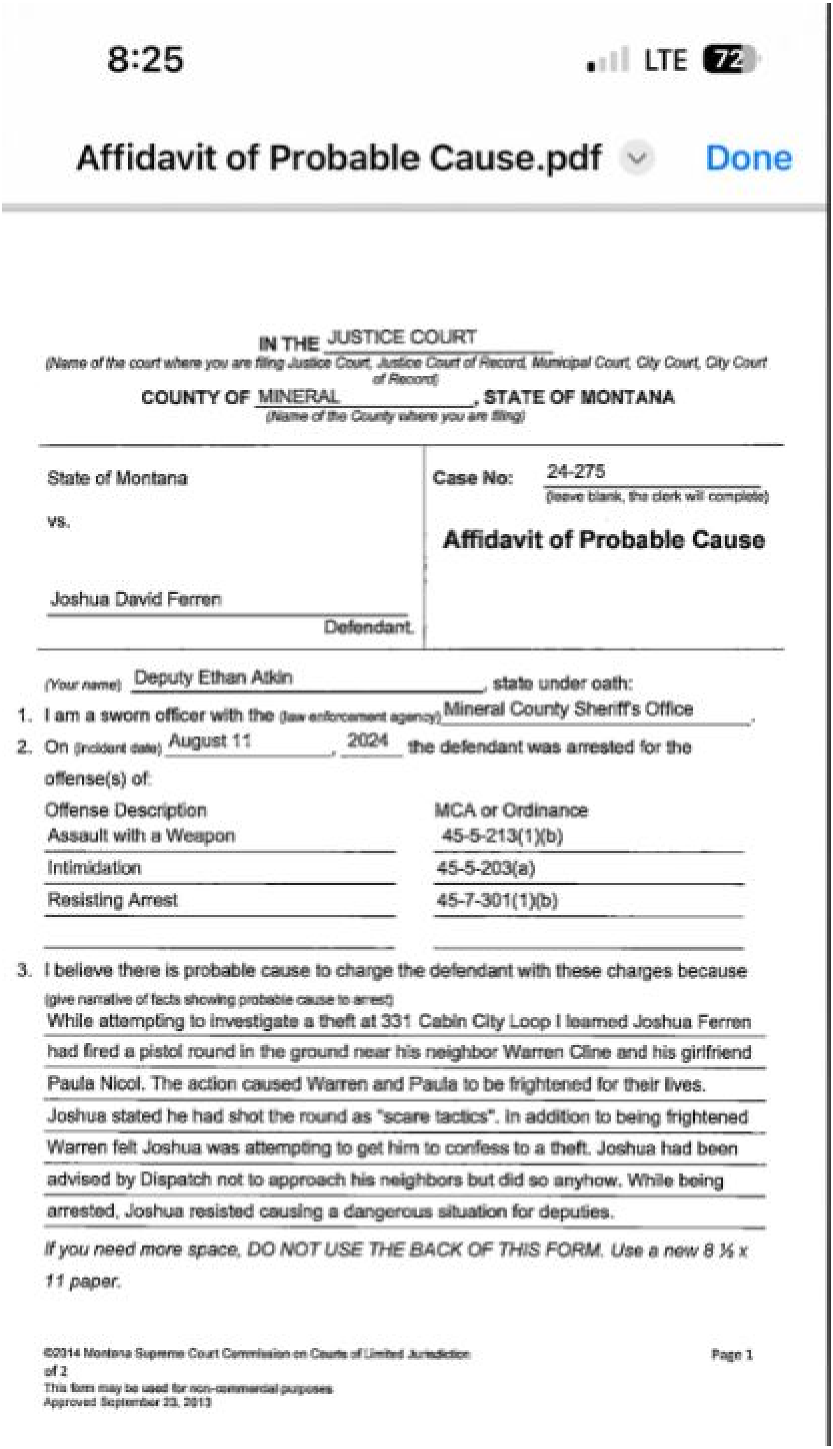

IN THE JUSTICE COURT
(Name of the court where you are filing Justice Court, Justice Court of Record, Municipal Court, City Court, City Court of Record)

COUNTY OF MINERAL, STATE OF MONTANA
(Name of the County where you are filing)

State of Montana

vs.

Joshua David Ferren
Defendant.

Case No: 24-275
(leave blank, the clerk will complete)

Affidavit of Probable Cause

(Your name) Deputy Ethan Atkin, state under oath:

1. I am a sworn officer with the (law enforcement agency) Mineral County Sheriff's Office.
2. On (incident date) August 11, 2024 the defendant was arrested for the offense(s) of:

Offense Description	MCA or Ordinance
Assault with a Weapon	45-5-213(1)(b)
Intimidation	45-5-203(a)
Resisting Arrest	45-7-301(1)(b)

3. I believe there is probable cause to charge the defendant with these charges because (give narrative of facts showing probable cause to arrest)

While attempting to investigate a theft at 331 Cabin City Loop I learned Joshua Ferren had fired a pistol round in the ground near his neighbor Warren Cline and his girlfriend Paula Nicol. The action caused Warren and Paula to be frightened for their lives. Joshua stated he had shot the round as "scare tactics". In addition to being frightened Warren felt Joshua was attempting to get him to confess to a theft. Joshua had been advised by Dispatch not to approach his neighbors but did so anyhow. While being arrested, Joshua resisted causing a dangerous situation for deputies.

If you need more space, DO NOT USE THE BACK OF THIS FORM. Use a new 8 ½ x 11 paper.

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This form may be used for non-commercial purposes
Approved September 23, 2013

3/2025 rim- review of document - (atkin 54-4) I had previous dealings with Joshua in which he was always carrying a firearm, and frequently intoxicated. Joshua was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music. **(which begs the question, if atkin was on a call about neighbors playing loud music late at night, what did he do regarding those neighbors to resolve an issue that appears to have been a regularly reoccurring event. atkin tries to paint joshua as a dangerous drunk carrying a gun and looking for someone to shoot, and atkin's statements are "hearsay")**

I advised Dispatch to instruct Joshua not to approach the neighbors until law enforcement arrived. (atkin asserts his authority, joshua was not on the phone with 911 when atkin was advising dispatch)

Where I observed Joshua angerly walking down the road with a white metal drinking container in his hand and a pistol on his right hip.

(atkin spends minimal time with Joshua gathering information on what had transpired in this incident before heading straight away to warren and getting his version of the incident)

Warren said Joshua had shot at the ground right next to him. Warren then stated he did not take Joshua's silver ingot.(false)
Warren also said he was scared when Joshua shot the ground. (not evident per his reactions to the weapon discharge)

Due to what Warren had told me about Joshua firing a round near him, and the volatile behavior he was exhibiting, Deputy Hughes and I placed Joshua in handcuffs, It should be noted at this point, he had previously been instructed to not approach Warren until law enforcement arrived.(I believe the suggestion was not to approach the "neighbors" ...not "warren", again atkin asserts his authority over the defendant/victim)

I attempted to explain to Joshua he could not use fire arms as an intimidation tactic, (ged level defendant Vs ged level deputy or atkin was looking for words like "scare tactics" to feed his charges of assault and intimidation Atkin takes advantage of the situation by placing joshua under arrest, joshua is reacting to the anger of being arrested when he is the victim of a crime, is trying to talk his way out of the situation due to his responsibilities of work and his dogs, he is reacting (by talking) to the absurdity of the situation)

It should also be noted Joshua had glassy bloodshot eyes, was slurring his speech and had an odor of an alcoholic beverage emitting from his person. (this is not evident per the bodycam video(s))

Warren then showed the spot where Joshua had shot in the ground. I took photographs of it, as well as another hole which he had mistaken for the gunshot. (**OK, this is where atkin makes a false statement,** Warren showed him where he was standing and where the bullet impact was in the road, atkin then informed warren it was not the bullet impact spot, and then noted the location of the bullet impact on the other side of the road. At this point I would have to ask if atkin is deliberately misrepresenting this part of the incident.)

Warren stated he had been standing in one spot, not acting aggressively threatening towards Joshua **(well he started out lying, he's been to prison for burglary, has had assault charges in OR, possession of heroin charges, a couple of weeks before this incident MCSO came out and handled a fight between warren and paula where he had to "put her in her place"...)**

According to Paula, Warren had been talking calmly to Joshua, and the calmer Warren got, the iraiter Joshua got until he pulled out out his gun and shot it. (paula must not have been the same incident? paula notes often that she is a recovering alcoholic and states that she has been drinking, ...and she was the one that came out in the cabin city loop roadway first to start the argument with joshua...)

I was unable to see any instances of Joshua on their cameras.(while this was occurring deputy hughes told Joshua atkin was looking for his silver...remember that the victim (Joshua) had property stolen and called that in... but atkin is a coon hound hunting a squirrel, and that's not a very good coon hound ...)

Due to the lack of evidence as well as the uncooperative behavior of Joshua, (**so the victim kept atkin from doing his job ?** which should have been investigating a theft of property, appears to have kept him from looking for criminal records on warren too, and then obtaining a warrant, etc ... maybe he could have asked the MC sheriff how sketchy the family at 320 cabin city loop is and how reliable their statements would be ...)

deputy hughes (54-5)

I Deputy Hughes was contacted by Deputy Atkins to assist him at 331 Cabin City Loop for the reporting party has a history of aggression with law enforcement (atkin wanted backup because the defendant had previously called him a "coward" and told him to "do his job")

He advised the neighbor was on meth and are thieves.

Deputy Atkin asked Josh if he fired a weapon at the other male. Josh admitted he did to "intimidate" the male from coming any closer to him. **<Josh did not say he fired a weapon at the other male, see the video, read the transcript>** Josh advised he felt threatened as the other male weighed more than him and he was protecting himself.(atkin misrepresents what happened here, the weapon was not fired at warren, why do you suppose atkin does that ? and I *don't believe the word "intimidate" was ever uttered by the victim/defendant on any recording of the event)

Josh continued to argue while walking to the back of my squad car.(if by joshua continued to try to tell the deputies what had happened, you mean "argue".)

During my interactions with Josh, I could smell a very strong odor of an alcoholic beverage coming from his person and breath.(again the attempt to portray the victim as drunk doesn't quite come off when you review the bodycam videos at the scene, in the vehicle, and at the jail)

Josh asked for his dogs to be fed and I advised Deputy Atkin once he returned. He then spoke with Josh again and asked him if he wanted us to feed and water his animal.(neither deputy fed and watered the dogs)

I believed with the statements Josh was making that if he was let out of custody he would have caused harm to the neighbors.
(joshua was mad, but he had not harmed anyone, even at the point of being assaulted by warren he fired a warning shot)

That he would cause harm to the neighbors and possibly others.(which has never occurred before, during, and after this incident)

4/2025 - brief summary of incident: defendant has items stolen (aug 2024), suspects criminals that live across the road, calls 911/MCSO to report theft, MCSO deputies atkin/hughes arrive, atkin takes statements from criminals (victim1/victim2), defendant is arrested, criminals rejoice - laugh and party, defendant goes to jail, spends a week in jail, borrows $5000 for bail, goes home back to work and tending to his dogs (and thanks family friends who have cared for the dogs -- *which atkin/ hughes would not feed and water and left locked in defendant's house) Neither deputy atkin or deputy hughes was at the scene when the incident occurred, and their statements are hearsay. Video and photo evidence disprove warren clines, atkins, and hughes statements.

<victim1/victim2... are cline and nicol... states complaining witnesses>

[The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

There is another case now ongoing that is relevant

[DC-31-2025-0000007-IN State of Montana vs. William Est] And Is the *"family" across the street from defendant, which includes victim1 and victim2/aka "complaining witness", warren cline, paula nicol. **[defendant is actually a witness regards criminal events involving one of the victims in that case]**

*[a history of fights in the yard, domestic partner violence, chasing each other with a machete, a stabbing onsite, an overdose onsite, and in the case referenced above: assault, kidnapping, stalking, sex w/o consent]

Body_Cam_defendant_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --video - hughes #54-5 >....atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." (no mention of the (cline/est family) shooting of weapons across the county road, MCSO responded to that incident)..."can't walk around with guns threatening people..." (600 gram silver ingot, 500 grams = $614 value) (defendant frustration with multiple requests to MCSO to deal with neighbor problems and no resolution) defendant - "atkin has been here (XXXX) on (10) different occassions" - defendant requests victim1 be arrested for assault for coming at him in a threatening manner, attempted assault -- (hughes says atkin is trying to find silver -- atkin was looking for video on victim1's camera to see if defendant had been on their property, was not looking for the stolen item) atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." (atkin declined to care for the animals in the residence 19:40) *note that defendant was in county road, approached by female victim2, and then approached by male victim1-- all parties were in county road - defendant says he went to county road to determine if victims automobile was at home --re defendant being told if he had stayed home as he was told "if you had just waited for us" hughes 19:28

re: miranda: atkin took advantage of defendant trying to talk his way out of the arrest, defendant was in shock from being arrested while criminal was not arrested and defendant had animals to care for and work the next day. Defendant brings up a valid question, due to the multiple times MCSO was at victim's residence, why was no one there ever arrested ? Note that defendant says 911 call was made to sound like an emergency situation because "MCSO either arrives hours later or not at all"

...at one point atkin says "you can't be shooting at people" (and he knows defendant was not shooting at anyone).

trespass of deputy ethan atkin on defendant property date of 10-20-2024

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral

County deputy trespassed on the defendant's property, closed and locked gate,

property posted NO Trespassing, and with NO Warrant, and not in active pursuit of

a criminal -- [mca 45-6-203][State v. Lanchantin] Montana case law

<bodycam video, backseat video> BACK_SEAT_defendant :30 atkin "you never said anything about that and you only said that after I put you in handcuffs" **(defendants self defense explanation for weapon discharge/note atkin never interviewed the defendant about the incident before putting the defendant in handcuffs)** atkin "don't approach him in the first place..." hughes "not to confront him and let us handle it" ... defendant " I stood out here in the roadway waiting for you guys to show up..." atkin "your ground is not on his property..." (defendant was in county road) (assault case where another neighbor <jay> slapped defendant and defendant requested atkin arrest that person for assault, atkin said on two different calls made to atkin by defendant - "waiting for a warrant" -- almost a year later, defendant receives notification of a court hearing involving that assault incident (april 2024)) [during those calls to atkin regarding the assault, defendant said to atkin if you are afraid to arrest him, deputize me] *if defendant was intoxicated he would not have been able to rearrange his position in back of police vehicle, and secure the seatbelt (11:37/19:27)--hughes "if you had just waited for us ..." defendant --" ..(atkin) did nothing about Jay at the end of the block that physically assaulted me and I have video of it ..." " I was standing out in the road and she came up and confronted me, and then he came out and confronted me, in a threatening manner ..."defendant describes recent incident involving MCSO and victim1 beating victim2" (at one point atkin says you can't be shooting at people and defendant replies that if he had been shooting at someone they would be in a body bag. *atkin had noted the real bullet impact location that indicated that victim1 was lying to him when he showed atkin the first location and claimed defendant had shot at his feet, atkin knew defendant was not shooting at victim1) -defendant 19:49 "sorry, I am

trying to push your buttons because I am so mad -33:33/19:49" (out of car at 20:07) (MCSO has been here 10 different times (13:10/19:29) ..."**(MCSO) was there the other night, he (victim1) f***** beat the shit out of his wife/victim2" ...**(27:15-27:50/19:43) -->this statement by defendant shows defendant had prior knowledge of victim(1) 's violent nature--victim(1) showed up at defendants property a few days later and told defendant he had to "put his old lady in her place", victim(1) had visible signs of a fight (eye) "(you) are violating my civil rights"

Is the Second Amendment a civil liberty or a civil right? And over the past two decades, the Supreme Court has recognized that the Second Amendment is a fundamental, individual constitutional right and has taken multiple opportunities to strengthen Second Amendment protections for ordinary, law-abiding citizens. (the right to self-defense is a civil right)

"Self-defense, the “first civil right,” continues to be among criminal law’s most controversial, enduring , and intuitively understood topics. [1]"...**the long-simmering national debate about where the state’s monopoly on force should end and the individual’s right to rely on self-preferential force should begin.** (great deal of emphasis by defendant on his belief in the threat of bodily injury and his right to prevent it) video ends for defendant transport at 51:35/20:07 ("scare-tactics" - intent of defendant "it stopped a bear in his tracks" Vs atkin’s charges of assault/intimidation which are portrayed along this line -- "dance boy dance, give me my shit back"

Affidavit of Probable Cause, ethan atkin deputy

a misleading narrative; not exactly factual (examples: re: fired a pistol round ... in the ground near his neighbor victim1...defendant approaching neighbors, resisting arrest)

Remand Form, ethan atkin deputy

--> Is the prisoner under the influence of alcohol or drugs -- indicated - "yes", which is false as it implies defendants drunkenness

--> "aggressive to law enforcement" -- noted - which is false, no evidence of aggression

9-1-1 call

*not intoxicated, "get here before I flip the fuck out...", defendant says he makes call sound urgent to get quicker response throughout the arrest report and even as noted by hughes on the radio to dispatch "he's intoxicated"-- the implication by atkin and hughes is that the defendant was impaired by alcohol. [defendant was not charged with intoxification, but was kept in the drunk cell, which had feces smeared on the walls, defendant complained loudly] <from bodycam video review, defendant is the most lucid “drunk” I have ever seen>

Information 9/6/2024

Document based on Atkin’s arrest contains multiple errors of fact as to event that actually transpired.

Motion and Affidavit for leave to file an Information 9/6/2024

(same errors of fact as Information document)

"victim1 said defendant shot his weapon at the ground right next to him." (false statement by complaining witness per photo evidence taken at incident)

LE can recommend but they cannot "instruct", defendant was in the county road when approached by victim(2) , defendant did not approach either victim(1) or victim (2)

"deputy atkin explained he (defendant) cannot use a firearm as intimidation factor"

"victim1 took the officers to where he was when defendant discharged his weapon" (which was identified as NOT the bullet impact location, which indicates that victim1 was lying)

(victim2's statement would indicate that she was at a different incident; she did state to atkin that she was drinking at the time and is a "recovering alcoholic")

atkin_body_camera_defendant_Assault_with_a_Weapon

atkin reads victim1 rights 1:30/19:05 victim1 -- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substaniate charges) victim1 "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I love him like a friend, he's a little drunk right now" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --victim1 is trying to say someone ? can't make out the name ? might be the thief (deflection) "this guy bubba..." "I gave him my bibs" 09:00/19:12 atkin reads defendant miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" defendant "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " defendant: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in ? cuffs" defendant: "I'm not resisting arrest I am resisting unlawful arrest" atkin lets victim1 out of the car (to victim1) "you told me you were in fear" “cline replies “yes, I was afraid. I am always afraid”, victim1 claims XXX residence is his property ? victim1 leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for victim2-- victim2: "I was standing right back here and then he shot the gun at 'em (at victim1)" "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "victim1 was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/victim1/victim2 look at camera to see if there are images of defendant on the property)(victim1 and victim2 live in an attachment to the trailer (est) at 320 cabin city loop rd, close enough to hear and know of the incidents related to charges against victim1s nephew - a travel trailer with a shed built over it, what pays for the harley and the jeep ?) 30:28 victim2: "and **I was preaching about alcohol before and I'm drinking**" "I quit drinking for 6 months and then I started again" (no images of defendant on est/cline property) hughes says "he didn't see him today (victim1)" and earlier in the conversation victim1 said he gave defendant a spark plug that day ? atkins "and humans don't shoot at other humans" (now this is odd coming from the guy that killed humans during his military duty) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41

at one point in the conversation deputy hughes says he does not know the defendant, but later remarks to atkin that he knows the defendants dogs are aggressive...

...now how would he have come to that conclusion ... because the dogs were not present during the incident being inside the defendants home and not in the yard.

If the victim is caught lying in their testimony to the police for an assault charge, how does this affect their credibility for trial?

False Reports To Peace Officers

45-7-205. False reports to peace officers. (1) A person commits an offense under this section if the person knowingly:

(a) gives false information to any peace officer with the purpose to implicate another;

(b) reports to a peace officer an offense or other incident within the officer's concern knowing that it did not occur; or

(c) pretends to furnish a peace officer with information relating to an offense or incident when the person knows that the person has no information relating to the offense or incident.

(2) A person convicted under this section shall:

(a) if the crime falsely reported was a misdemeanor, be sentenced to not more than 6 months in the county jail or fined not more than $500, or both; or

(b) if the crime falsely reported was a felony, be sentenced to not more than 4 years in the state prison or fined not more than $10,000, or both.

In a criminal case, the state is the plaintiff. The so called victim is called the complaining witness. That’s because it’s the state’s case, not the complaining witness’.

"During cross examination I will stand at the far end of the jury box, about 30 feet away from the witness stand. I did this so the witness has to talk loud and directly to the jury. When I got an answer that helped the defense I’d say “I’m sorry I didn’t hear that. Could you repeat that answer louder?” Now the jury has heard it twice, and loud. I used the same technique when I caught a witness in a lie. Usually, the testimony at trial didn’t compare with the police reports in which his contradictory statement was memorialized by the police. Once I caught the witness in a lie, and had him/her repeat it, I left it alone… until closing arguments. If the lie was about a small detail, I knew the prosecution was going to use that reason for the jury to believe a liar. So, during my argument I’d tell the jurors to use their common sense. If someone lied under oath to them, how can they believe anything this witness says. “The prosecution is going to tell you that you can believe the witness because the lie is one about a small detail.“ I would go on to say, “Regardless if it was a small detail or not, the witness violated his oath to tell the truth. He disregarded that oath and lied to you, and was caught. How in God’s name could you trust any words coming out of his/her mouth?” " **[warren cline lied about the weapon discharge, what else did he lie about ?]**

Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person’s rights of due process and unreasonable seizure. In the case of deprivation of property, the color of law statute would be violated by unlawfully obtaining or maintaining a person’s property, which oversteps or misapplies the official’s authority.

So yes, there is a lot you can do despite the answers showing otherwise. There are plenty of successful examples of Police Officers being prosecuted by the Justice Department for false arrests/falsifying evidence:

I can go on all day with the examples, but you get the point. You have Civil Rights which past generations fought hard for, use them.

Conclusion of review: deputy atkin created a crime where none existed and failed to investigate the actual crime. Atkin allowed his ego (defendant had called him a coward on a previous incident) to override his legitimate purpose which is to investigate a crime and to recognize who the criminal is, that's law enforcement 101. Payback is not acceptable, respect is earned by actions both past and present. Recommendation: deputy atkin should resign [as a former deputy of Missoula County officer atkin is familiar with the Missoula Police Dept. policy manual, Code of Ethics]

County attorney Jackson's job performance should be measured based on quality and not quantity. Her job is to see that state laws are properly applied and that constitutional rights are protected. In this case, she has denied both the 2nd amendment and with her motion against me the 1st amendment. Under her watch, a wrongful arrest has occurred and a lower degree criminal element over time has worsened their anti-social behaviors to harmful actions. The people of Mineral County should expect and require better from county attorney Jackson. [WRITTEN OATH OF ADMISSION TO THE BAR OF THE STATE OF MONTANA I do affirrn: I will support the Constitution of the United States and the Constitution of the State of Montana;...] [37-61-207. Oath. Every person on admission shall take an oath to support the Constitution of the United States and The Constitution of the State of Montana and to faithfully discharge the duties of an attorney with fidelity to the best of the person's knowledge and ability.]

5/2025 - Body_Cam_Ferren_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --video - hughes #54-5 ....atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." (no mention of the est's shooting weapons across the county road, MCSO was out on that incident)..."can't walk around with guns threatening people..." (600 gram silver ingot, 500 grams = $614 value) (defendant frustration with multiple requests to MCSO to deal with neighbor problems and no resolution) defendant - **"atkins [MCSO] has been here (320 cabin city loop) on (10) different occassions" -** defendant requests victim/Cline be arrested for assault for coming at him in a threatening manner, attempted assault -- (hughes says atkin is trying to find silver -- atkin was looking for video on victims camera to see if defendant had been on their property, was not looking for the stolen item) atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." (atkin declined to care for the animals in the residence 19:40) *note that defendant was in county road, approached by female victim, and then approached by male victim-- all parties were in county road, elected to leave their respective properties - defendant says he went to county road to determine if victims automobile was at home --re defendant being told if he had stayed home as he was told "if you had just waited for us" hughes 19:28, hughes on radio "he's intoxicated" 19:43)

miranda: atkin took advantage of defendant trying to talk his way out of the arrest, defendant was in shock from being arrested while criminal was not arrested and defendant had animals to care for and work the next day. Defendant brings up a valid question, due to the multiple times MCSO was at victims residence, why was no one there ever arrested ? Note that defendant says 911 call was made to sound like an emergency situation because "MCSO either arrives hours later or not at all" "deputy atkin explained he cannot use a firearm as intimidation factor" (defendants poor choice of words was used against him as he tried to explain a self-defense action. and that's why you should never speak to LE until you speak to a lawyer first)

atkin_body_camera_Josh_Ferren_Assault_with_a_Weapon

atkin reads warren rights 1:30/19:05 warren-- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substaniate charges) warren "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I love him like a friend, he's a little drunk right now" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --warren is trying to say someone ? can't make out the name (bubba)? might be the thief (deflection) "this guy bubba..." "I gave him my bibs" 09:00/19:12 atkin reads joshua miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" joshua "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " joshua: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in ? cuffs" joshua: "I'm not resisting arrest I am resisting unlawful arrest" atkin lets warren out of the car (to warren) "you told me you were in fear" warren claims 320 cabin city loop is his property ? warren leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for paula-- paula: "I was standing right back here and then he shot the gun at 'em (at warren)" "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "warren was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/warren/paula look at camera to see if there are images of josh on the property)(warren and paula live in an attachment to the trailer (est) at 320 cabin city loop, close enough to hear and know of the incidents related to charges against william est - a travel trailer with a shed built over it, what pays for the harley and the jeep ?) 30:28 paula: "and I was preaching about alcohol before and I'm drinking" "I quit drinking for 6 months and then I started again" (no images of josh on est/cline property) hughes says "he didn't see him today (warren)" and earlier in the conversation warren said he gave josh a spark plug that day ? atkins "and humans don't shoot at other humans" (now this is rich coming from the guy that killed people in Iraq as a tank gunner) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41

Atkin – military service incident

[Disregarding mounting small-arms fire directed at Sczerby's M1114, Sgt. Casey J. Blanchette, the platoon's medic, sprinted over to the wounded civilian huddled under a truck. Harper's gunner, Sgt. Ethan R. Atkin, eliminated an RPG team in similar fashion. Alternating between cannon and machine gun, the tanks destroyed seven more small groups before the insurgents broke contact and retreated.34]

45-3-112. Investigation of alleged offense involving claim of justifiable use of force. When an investigation is conducted by a peace officer of an incident that appears to have or is alleged to have involved justifiable use of force, the investigation must be conducted so as to disclose all evidence, including testimony concerning the alleged offense and that might support the apparent or alleged justifiable use of force. **[defendants testimony of weapon discharge and reason willfully omitted from deputy atkin arresting documents; bodycam video retains the record of that testimony]**

5/2025 - Atkin #54-4

Body_Cam_Ferren_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." ..."can't walk around with guns threatening people..." atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." ...at one point atkin says "you can't be shooting at people..."

BACK_SEAT_FERREN :30 atkin "you never said anything about that and you only said that after I put you in handcuffs" (defendants self defense explanation for weapon discharge/note atkin never interviewed the defendant about the incident before putting the defendant in handcuffs) atkin "don't approach him in the first place..." atkin "your ground is not on his property..." (at one point atkin says "you can't be shooting at people..." and defendant replies that if he had been shooting at someone they would be in a body bag.

Motion and Affidavit for leave to file an Information 9/6/2024 --"deputy atkin explained he cannot use a firearm as intimidation factor"

atkin_body_camera_Josh_Ferren_Assault_with_a_Weapon --09:00/19:12 atkin reads joshua miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" joshua "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" (later) 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" **"you just told me it was a scare tactic " joshua: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?"** atkin" "you never said anything about that and you only said that after I put you in cuffs" atkin lets warren out of the car (to warren) "you told me you were in fear"-- atkin "and humans don't shoot at other humans"

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rim_condensed_print_ea--(atkin 54-4) I had previous dealings with
Joshua in which he was always carrying a firearm, and frequently
intoxicated. Joshua was also known to me to be volatile and
irrational at times, such as shooting his firearm at night on his
property in response to his neighbors playing loud music. [one
wonders why no one was charged with disturbing the peace when working
folks had to get up at 4am to drive 2-3 hrs to work site and
"intoxicated" may just mean "drinking"... lots of good opinionated
hearsay in the deputies report]
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[if he (atkin) will lie about this, what else would he lie about [jay kendall case -- Joshua had a previous incident involving atkin where Joshua called atkin a coward for not arresting jay] [probably 2 times related to that incident, where Joshua called atkin cowardly for not arresting jay]

atkin's military career was a lot about control over the Iraqi population and he may be anti-2nd amendment when it comes to the "civilian" population ..."`I had previous dealings with Joshua in which he was always carrying a firearm, ..."` **[lots of people in Montana wear a sidearm]**

5/2025 - 2A trial Monday May 19th Superior -- Deputy Atkin #54-4

atkin_body_camera_X_Ferren_Assault_with_a_Weapon --09:00/19:12 atkin reads X miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" X"scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" (later) 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " X: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs" atkin lets #1 out of the car (to #1) "you told me you were in fear"-- atkin "and humans don't shoot at other humans"

7/2025 - atkin body camera josh ferren assault with a weapon

warren cline 19:04:49 - 19:05:24 "he's out here shooting at me" 19:05:30 "bullet hole in the ground right next to where I was standing" 19:05:58 "only time I've been over there" 19:11:48 (placed in patrol vehicle) 19:12:01 atkin arrests joshua 19:21:45 atkin releases cline from patrol vehicle 19:22:45 cline shows atkin where he was standing 19:23:08 atkin marks spot cline tells him is bullet impact location 19:23:48 **atkin identifies actual bullet impact location** (no mention of presence of william est/no mention by cline of fear that he "would be shot in the back") [false evidence presented and false testimony given at trial by warren cline]

The Sixth Amendment to the U.S. Constitution guarantees several rights to individuals accused of a crime, including the right to a fair trial. This right is implicated when false evidence is presented, as it can undermine the reliability of the trial process and potentially lead to wrongful convictions. The amendment's Confrontation Clause, for example, ensures the accused can cross-examine witnesses, which helps expose false or misleading testimony.

Here's how the Sixth Amendment safeguards against false evidence:

1. Right to Confront Witnesses:

2. Right to Counsel:

3. Impartial Jury:

4. Public Trial:

5. Due Process:

In essence, the Sixth Amendment provides several layers of protection against the use of false evidence, including the right to cross-examine witnesses, the right to counsel, the right to an impartial jury, and the right to a public trial, all of which contribute to a fair and reliable judicial process.

7/2025 - **video trim cline stmts**

Transcribed by TurboScribe.ai.

`Press Ctrl key and click on html link to open`

bodycam video clip - warren cline

(0:04 – 0:07) <**deputy Atkin, complaining witness Warren A. Cline**>
Talk to me. Talk to me. Talk to me.
(0:08 - 0:11)
Stop right there. Okay, all right! Stop moving. Okay.

(0:12 - 0:16)
Do you have any weapons on you? No, sir, I do not. What's your name again? Warren Cline.
Okay, Warren.
(0:17 - 0:22)
Before I talk to you at all, I need to make sure you're aware of your rights. Okay. You have the
right to remain silent.
(0:22 - 0:27)
Anything you say can and will be used against you in a court of law. All right. You have the right to talk to a lawyer and have him present while you're doing a question.
(0:27 - 0:36)
If you cannot afford to hire a lawyer, one will be appointed to represent you free of any cost to you. You can decide at any time to exercise these rights, not answer any questions or make any statements. Understand that? Yes, sir.

(0:36 - 0:43)
Okay. Sorry, he's just out here shooting at me and shit. He's shooting at you? Well, right here at the ground, right next to me, yeah.
(0:43 - 0:49)
I mean, you know, right there, there's a bullet hole in the ground. Right next to where I was standing. Okay.
(0:49 - 0:52)
Like three feet away. Yeah. All right.
(0:52 - 0:55)
Tell me about the ingot. I have no idea. I haven't seen it ever.
(0:56 - 1:02)
Not even, I didn't even know he had one. I knew he had a little drop about this big of silver. I
had no idea he had an ingot.
(1:02 - 1:06)
I had no idea. Okay. And I wouldn't steal nothing from him anyway.
(1:07 - 1:11)
I came over there to buy some parts from him. I bought some parts for the front of that Dodge. That's all.
(1:12 - 1:18)
Only time I've been over there. And I don't even go in his house. I stand out on front porch with him.
(1:18 - 1:28)
You know, I brought him a drink and **I tried to give him a spark plug for his chainsaw today.** That's the only reason I came over there. Only time I come over there is when he comes home.
(1:28 - 1:40)
I never go over there when he's not home. Ever. I've been over there probably three times this week to get the parts off this other white truck that he's got.
(1:40 - 1:45)
Okay. Have you ever been in his house? Yeah, I have been in his house before. But it's been a
long time ago.

(1:45 - 1:52)
It's been like three weeks ago or something like that. He showed you something about an
ingot? No. He never showed me no ingot.
(1:53 - 1:55)
No. He had a little drop of silver. It was about this big.
(1:56 - 2:06)
About that big around. I gave him some stones to break down because I thought maybe they

had gold in them or whatever. And so I gave him some to break down and melt.
(2:07 - 2:13)
But no, I've never taken nothing from him. I would never steal from my neighbor. I mean, I
value my neighbors.
(2:13 - 2:20)
They're my neighbors. I mean, if we don't have each other, we got nothing. I fucking love him
like a friend.
(2:21 - 2:26)
He's a little drunk right now. Tell me about the gunshot. I don't know.
(2:26 - 2:35)
He's just fucking trying to get me to cop to it or something. I don't know. He just shot at the
ground and was trying to make me tell him that I stole it or whatever and bring it to him.
(2:36 - 2:42)
But I didn't take it from him. He must have misplaced it or something. Because there isn't
anybody around here.
(2:43 - 2:49)
I keep a pretty good close eye on his place and stuff when I'm home. But I'm gone to work, too, all the time. I work every day. **[where ?]**
(2:49 - 2:57)
So did it scare you whenever he did that? Yeah. What did you think was going to happen? I
don't know, man. He's fucking going for his gun like three times, man.
(2:57 - 3:01)
It freaked me out. I don't have a gun. I don't carry a gun.
(3:02 - 3:07)
I mean, I got a BB gun. That's it. Right.
(3:09 - 3:15)
Where was this at? Right there in my driveway right there. There was a bullet hole right there in the ground. Okay.
(3:15 - 3:20)
Was it the pistol that he had on himself? Yep. Okay. He's going to pull it on me like three times.
(3:21 - 3:24)
I don't know. I've never done that. I've never fucking done nothing like that.
(3:24 - 3:35)
He was out here yelling at my old lady, telling her that I was stealing from him or she was

stealing from him. He tried coming at my old lady. Fucking, you know, that's like, dude, no.
(3:36 - 3:43)
Do you have an ID on you? Yes, sir. I do. Yeah, no, he freaked her out, freaked me out.
(3:44 - 3:52)
You know, that's pretty scary when you've got a loaded gun. Somebody shooting at you and
stuff. **How close were you?** I was like from medium, you know.
(3:53 - 4:03)
Not even two feet away, three feet. It was just way above and beyond. I mean, I would never steal from him.
(4:03 - 4:19)
You know, I don't know who stole from him, but it's not me. I've had things come up from my
yard missing too, you know, like my ashtray and a couple other things, you know. A chip-on
chair, you know, things, you know, that just, I don't know who took them, you know,whatever.
(4:20 - 4:28)
And a lot of times I think it's Barb. You know, she's just kind of weird. But it could be anybody.
(4:28 - 4:39)
I know there's a mattress in the neighbor's yard, like right outside my back window. I have no
idea why it's there, a mattress and a pillow. I don't know who's staying there, what's going on
with that.
(4:39 - 4:47)
But, you know, I've never seen anybody in it. But, you know, it's like, I don't know. **Bubba** lives up here somewhere.
(4:47 - 4:59)
He's got a camp or something. There was a couple pieces of metal come up missing, you know, like my roofing metal and stuff like that, you know. I don't know, you know, what he's capable of coming up, picking up things and taking, you know, or whatever.
(4:59 - 5:04)
He's the only one that I know that's been up here camped, you know. And so. Okay.
(5:04 - 5:11)
You have a good phone number? Yeah. 541-610-2123. And he's been up here.
(5:11 - 5:17)
He delivered my firewood this last winter. He delivered, like, five

cords to me last winter. So he knows where I live.
(5:17 - 5:23)
You know, he's been up here a couple times. And I just. In Josh's house? No.
(5:25 - 5:33)
Bubba delivers me firewood. Bubba, he delivered me firewood last winter. So why would Josh be trying to accuse you of.
<as related by one of the neighbors, cline was caught stealing firewood by a non resident property owner in cabin city who confronted cline via video ring camera/audio, its not likely he was buying firewood from this "bubba" person>
(5:33 - 5:38)
I have no idea. He thinks I'm the only one that's been around and knows about his ingots or
whatever. But I don't.
(5:38 - 5:41)
I wouldn't touch his ingots. I got my own job. I got money.

(5:42 - 5:48)
If anything, I give him money, you know. If he needs money for gas, anything, you know. I've
helped him out.
(5:49 - 5:57)
Everything, you know. Anything he needs, you know. Like, I loaned him my laser, you know, so he can level cut his logs, you know, and stuff, because he's building a log house and all that
stuff.
(5:57 - 6:17)
I'm trying to build a floor. I've loaned him my, you know, the splash guards, leather, you know,
so that he doesn't fucking blow up, you know, or something, trying to smelt, you know, down
rocks and stuff, you know, because I worry about him getting splashed by the molten glass, you know, molten metals, you know, and stuff. So I gave him my chaps, you know, and the covered bibs, you know.
(6:17 - 6:24)
Nice leather set, you know. And, you know, I give him whatever, you know. If he needs help
with anything, you know, I try to help him out, you know.
(6:25 - 6:30)
But I wouldn't steal from him. There's no way. You know, I just try to help him out as much as I can. **<when lying a criminal tends to over-talk, over-explain the situation>**

(6:30 - 6:39)
You know, his truck is broke down, and I just try to help him with that, you know, if he needed money or anything. He's my neighbor. I'm going to have you sit in my car real quick while we talk to you.
(6:39 - 6:49)
You don't have any weapons on you? No, sir, I do not. Do you have a phone on you? Yeah, I
have my phone. Can I smoke my cigarette? No, let's save that for later, okay? We'll put that right on the hood.
(6:49 - 7:12)
Oh, man. Can I have just, like, one drag or something? Please? It's only going to take me a
minute. <**deputy Atkin and Joshua Ferren**> Go get my silver! Josh! Hey, Josh.
(7:13 - 7:18)
I guess you're going to put that down real quick for me? No, sir. Just put it down. Josh.
(7:19 - 7:23)
I don't have a weapon on me. I'm having a refreshment. Josh, I'm telling you, put it down.
(7:23 - 7:28)
I'm going to put you in handcuffs. Why are you putting me in handcuffs?
I'm telling you right now. Put it down.
(7:28 - 7:29)
Bro. Bro, here. Here.
(7:30 - 7:39)
There is no... Here, Josh. All right. Why are you putting me in fucking handcuffs? I got robbed
and you're fucking putting me in handcuffs? Okay.
(7:39 - 8:08)
So, I know he's already talked to you a little bit, but... I got robbed and you put me in fucking
handcuffs? You're putting me in handcuffs because I got... Josh, can you listen to me for a
second? You just want to yell and scream and accuse me <**Warren**>... I want my fucking silver back! And he took it! You have the right to remain silent. Anything you say can and will be used against you in court of law. You have the right to talk to a lawyer and have him present.
(8:08 - 8:22)
If you cannot afford to hire a lawyer, one will be appointed to represent you. Do you have a
body cam? I do. Is it on? It is.

(8:23 - 8:30)
I don't... I don't see no light on that thing. It doesn't have to have a light on. So, do you want to
talk to me right now? Yeah, I want to talk to you.
(8:30 - 8:35)
Okay. Tell me about the gunshot in the ground over here. Scare tactics.
(8:36 - 8:45)
He was fucking walking up to me aggressively. So, I pulled my gun out and I fucking shot in the ground. And I said, I want my shit back.
(8:45 - 8:51)
Okay. So, I'm going to tell you right now. We don't have any evidence that he had your ingot.
(8:51 - 9:02)
Do you have any evidence of it? Yes. He is the only person... Do you have any video evidence?
Okay, it's being a detective. Do you have any video evidence? No, I don't have a fucking camera on my property.
(9:02 - 9:11)
Which is why he knows he... Okay, look. He is the only one that has been on my property. He is the only one that I have showed that fucking ingot to.
(9:12 - 9:23)
I told him what it is. Okay? Why is it the only thing fucking missing out of my shop? Along with the weed that was in my fucking house. Right in front of my TV.
(9:24 - 9:30)
Go look in there. Go look in that fucking shack. I can't just go walk into people's property and
look.
(9:30 - 9:34)
Go get a warrant. Get a warrant. I don't have enough to get a warrant, to be honest.
(9:34 - 9:46)
What do you mean? Because he is saying he didn't take it. You are saying that the only person
that knows about it is him. There is a whole lot of wiggle room in there for a whole lot of people to be on the property.
(9:46 - 9:55)
Right now, you are under arrest for assault with a weapon. How did I assault anybody? You shot a gun right in front of him. As a scare tactic, just like you told me.
(9:56 - 10:01)
Yes. I didn't assault anybody.

(10:01 - 10:08)
I was in fear of my life. Okay. What the fuck, dude? That motherfucker walked up to me like...
Okay.
(10:08 - 10:18)
Alright. We are kind of done here, okay? No. Bro, are you fucking kidding me? Are you fucking kidding me? You got to be joking, dude.
(10:18 - 10:28)
I'm going to leave your 50 in your pocket, okay? You can't walk around with guns threatening
people. I can walk around... It's a self-defense. ...defending myself.
(10:28 - 10:38)
Yeah, he was walking up to me in a threatening fucking manner. Do you understand that? Bro, listen to me. Sheriff? Yeah.
(10:39 - 10:52)
Do you understand me? That's why we have courts. You can talk to the judge about it, okay? No, I'm talking to you about this. And that's why... So, there's been multiple times that we've been out here with you shooting guns in a way to intimidate... I've never fucking shot him.
(10:52 - 11:04)
And it's just... Bro, he... And we've escalated to a point where you've already... So, I fucking
discharged my weapon to keep him at bay. You just told me it was a scare tactic. Yeah.
(11:05 - 11:10)
To keep the big motherfucker at bay. Are you... Bro. Okay.
(11:11 - 11:18)
Wait, what's your name? Hold on. Atkin. I said serious.
(11:21 - 11:26)
I wouldn't have a chance here. No, no. Let's... Let's have a fucking little sit-down talk here.
(11:26 - 11:29)
Mr. Atkin. Have a seat. Sir.
(11:29 - 11:32)
Have a seat and we'll talk. Sir. You can sit in there real quick and he'll talk to you.
(11:32 - 11:38)
No problem. All right. I'm going to put this in front of me because I don't feel... No, we can't put them in front.
(11:38 - 11:42)
They have to stay back. <handcuffs behind your back not in front of you> There's nothing here in front. It doesn't matter.
(11:42 - 11:44)

It's policy. It's procedure. We have to do it that way.
(11:44 - 11:46)
All right. I'll sit down. Mr. Atkin.
(11:48 - 11:58)
So, if somebody is walking at me in a threatening manner, I'm not allowed to defend myself. Okay. You never said anything about that and you only said anything about that after I put you in there.
(11:58 - 12:01)
Well, that's a fucking scare tactic. Dude, look at me. Okay.
(12:02 - 12:04)
Look at me. Look at him. Okay. <**140lb defendant Vs 200+lb ex-convict**>
(12:05 - 12:17)
If he is fucking walking at me in a threatening fucking manner, what am I supposed to do?
Fucking throw my dukes up? Hope for the best? Don't approach him in the first place. You didn't have any reason to approach him. Bro, he stole from me.
(12:17 - 12:31)
And remember, you had a dispatcher tell you not to confront him and let us handle it for you. **I didn't confront him. I stood out here in the fucking road waiting, waiting for y'all.**
(12:32 - 12:42)
And that woman over there fucking showed up and said, what's the problem? I said, hey, go get my fucking silver. You fucking stole from my kids. All right.
(12:42 - 12:46)
That's what I'm fucking pissed off about. Okay. I understand.
(12:47 - 12:57)
However, we're here to handle that. Not for you to come on the road and shoot guns at people.
I wouldn't have shot it if you wouldn't have fucking walked up on me like goddamn Godzilla.
(12:58 - 13:06)
If you would have been sitting at your house waiting for us to show up, that wouldn't have
happened. People in Montana have a right to fucking defend themselves. Right? Within reason.
(13:07 - 13:15)
Within reason. If I feel that my life is threatened, I have the right to fucking defend myself.
Listen to me, Josh.
(13:15 - 13:20)

That is the statute. Stand your fucking ground. Your ground is not on his property.
(13:20 - 13:26)
My ground is fucking wherever I stand. No, bro. No, no, no, no, no, no, no.
(13:26 - 13:34)
We're not going to fucking end this way because I'm going to go back home.
I have work tomorrow.
I have fucking animals over there that need fed.
(13:34 - 13:37)
Okay. Do you have anybody that can take care of them? No. I don't.
(13:37 - 13:39)
You're going to jail, Josh. I'm sorry. That's how it has to happen.
(13:41 - 13:48)
Dude, that motherfucker stole from me and you're taking me to jail. Josh, this ain't going to
happen. This ain't going to fucking happen.
(13:48 - 13:54)
Are you resisting arrest? I'm not resisting arrest. You are. This is a fucking unlawful arrest.
(13:54 - 14:02)
That body cam will prove it. Josh, swing your legs in. I was defending myself against great
bodily harm.
(14:02 - 14:04)
We understand what you're telling us. Swing your legs in, Josh. Okay.
(14:05 - 14:11)
Then this is a fucking lawsuit against fucking Mineral County Sheriff. Okay. Swing your legs in.
(14:11 - 14:13)
Sir. You're not getting out of this. Sir.
(14:13 - 14:16)
Nope. Why? Because there's no way to get out of this. All right.
(14:16 - 14:20)
Now you're resisting arrest. Josh. I'm not resisting arrest.
(14:20 - 14:25)
I'm resisting unlawful arrest. Josh, swing your legs in. Dude, you're fucking kidnapping me
again.
(14:25 - 14:28)
This is the second. Hop in. Please, swing your legs in, Josh.
(14:29 - 14:36)
We'll talk more down at the jail, potentially. Okay? But you've got to

get in right now. This does not mean that our investigation is over.
(14:36 - 14:39)
Give me my fucking phone. I need to make a call. You will, down at the jail.
(14:39 - 14:41)
Negative. Give it to me, Josh. That's not how this works.
(14:41 - 14:42)
Hop in. Sir. Sir.
(14:43 - 14:51)
Sir. Mr. fucking Atkins. All right, that's how this shit's going to go.
(14:52 - 14:56)
I'm not fucking doing nothing, dude. You guys are just being fucking...
You're resisting arrest.
Stop resisting.
(14:57 - 15:04)
Negative. You guys are fucking committing a goddamn felony. It's called kidnapping.
(15:04 - 16:02)
You know what that shit is? Mr. Atkins, I'll be seeing you in court.
Good. You got it unlocked
right there, I know.
(16:08 - 16:32)
What is this one? Is this a 7-year-old's one maybe? I don't think that's the case. I think that's for a charge. That's all it looks like.
(16:47 - 17:03)
< **deputy atkin, warren cline** >You can run this too. Okay, Warren. Come outside the front of my car.
(17:11 - 17:20)
Okay. So, right now we have him under arrest for discharging a firearm.
(17:21 - 17:30)
You told me you were afraid. Can you show me where that... <**Yeah, I'm scared as shit.**
I'm always scared.> <**what do you suppose warren is always scared (of) ?**>
(17:30 - 17:37)
I mean, my dog's freaking out in the house. I don't know what he was doing while I was gone. I just got back home, and my dog is freaking out.

(17:37 - 17:49)
He fell asleep. He just, like, tore up my whole bed. He didn't sleep. He was at my front door every day. I don't know if you can see, but my dog is just freaking out. I was on my property, like, pretty much.

(17:49 - 18:00)
I mean, I'm standing right in front of the hole,
Right there? Yeah. Where were you standing at the time? Right here.
(18:00 - 18:07)
Where was he standing? Right there. Maybe right there. Yeah.
(18:07 - 18:19)
Just, like, bam, right there. Right next to me. Were you approaching him at the time? No, I was just standing in one spot. **< the public defenders convinced the defendant that he did not need to testify. No need, they had the case (won the case insinuated) because they felt that county attorney jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on the criminals/warren clines chest to hold him back, as the criminal/warren cline did stop but not retreat after the discharge.) >**

(18:19 – 18:28)

You were standing in one spot? What was being said? He was accusing me of stealing from him. I told him I didn't steal anything from him. I wouldn't steal from him.

(18:29 - 18:40)
What did you say to him? I just told him I was his friend, you know, I'm his neighbor. I wouldn't steal from him. He was like, well, where's my money? I just told him I got it right here in my pocket.
(18:40 - 18:49)
I didn't take any more parts that I got from him. I wouldn't steal nothing from him. Hold on.
(18:51 - 19:03)
That might have been a hit right there. That might have been standing up here. That might
have been... **< atkin identifies actual bullet impact location > Oh, that looks a little bit more like it, yeah.**
(19:06 - 19:53)
There's the casing. Let me see. Did you threaten him or yell at him in any way? Did you
approach him in any kind of a threatening manner? No, not at all. No, I kept my hands down on this guy. Did he have any weapons? No. He was always packing

that pistol.
(19:54 - 20:10)
I just, you know... I just think of him as my friend, you know, so I really didn't... I wasn't thinking like he was going to hit me like that, you know. I had no idea what was going on. I just, you know... I just came out here to see why he was yelling and screaming.

(20:10 - 20:16)
Did anybody else see this? My girlfriend might have. I don't know if she was behind me. Can
you go grab her?

<Warren Cline is an ex-convict from Oregon that relocated to Montana in 2020, he lives at 320 cabin city loop road on the property owned by his brother-in-law chuck est and his sister heather est. Their son william est resides on the property also and is currently facing several felony charges>

Despite the obvious (the over talking, the "bubba", and contradictions about when he was on the Ferren property and how often) fact that Warren Cline was lying to deputy Ethan Atkin, Atkin proceeded with his intention to arrest Joshua Ferren.

He made that decision as soon as he heard about the weapon discharge from Cline. Atkin saw an opportunity to show Ferren who was in charge. Perhaps the verbal rundown he had received from Joshua over the Jay Kendall case had gotten under his skin. And then there was the directive from Atkin to dispatch to relay to Joshua that he was not to approach the suspect(s). To the ex-military Atkin, Joshua disobeyed a direct order from a "superior". And seeing Joshua wearing a sidearm seems to be an issue for the ex-military Mineral County deputy. So with a few words from the defendant ("scare tactics") and some leading of the victim/complaining witness – ("you told me you were afraid") ...Deputy Ethan R Atkin had what he needed to support the charges he would recommend.

video trim cline stmts 2

video trim cline stmts 3

weapon discharge location clip

[November 2025 --email communications with POST regarding deputy Atkin's role in Second Amendment self-defense case and trial; where false evidence and false testimony were presented to the jury. "POST has received and reviewed the complaint information you provided. POST Director Timothy Allred has determined that your complaint does not include any POST issues, and POST will not proceed with an allegation."]

Re: [EXTERNAL] complaint form

Nov 24 at 9:50 AM

Glenn Ferren <gferren@yahoo.com>

To: Bolger, Katrina <kbolger@mt.gov>

Good to know. I will include the POST reply in the ebook that documents the case.

Deputy atkin's report is the source of the false evidence and false testimony that was allowed to be presented to a jury.

That could be incompetence, it could be more, we will let the people decide.

Glenn Ferren

https://www.amazon.com/How-They-Killed-Second-Amendment-ebook/dp/B0FS41N25K

Did the District Court violate Appellant’s constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and

Article II, Section 17 of the Montana Constitution?

On Monday, November 24, 2025 at 09:40:45 AM MST, Bolger, Katrina <kbolger@mt.gov> wrote:

Mr. Ferren,

POST has received and reviewed the complaint information you provided. POST Director Timothy Allred has determined that your complaint does not include any POST issues, and POST will not proceed with an allegation.

Katrina Bolger, ACP

Advanced Certified Paralegal - Discovery

Montana Public Safety Officer Standards and Training Council

2260 Sierra Road East

Helena, MT 59602

Phone: 406-444-9974

Fax: 406-444-9978

Office Hours: Mon.-Fri. 7:00-3:00

-----Original Message-----

From: Glenn Ferren <gferren@yahoo.com>

Sent: Monday, November 24, 2025 8:44 AM

To: Bolger, Katrina <KBolger@mt.gov>

Subject: [EXTERNAL] complaint form

fyi - Hard copy (completed) form has been mailed via USPS.

POST Complaint Form and attachment here are what you will receive.

>>Please see the attached POST complaint form you requested. When you have completed the form, please return it to Katrina Bolger at kbolger@mt.gov or mail it to 2260 Sierra Road East Helena, MT 59602.

Bolger, Katrina <kbolger@mt.gov>

To: gferren@yahoo.com <gferren@yahoo.com>

Cc: Allred, Timothy <timothy.allred@mt.gov>

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Katrina Bolger, ACP

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Glenn Ferren <gferren@yahoo.com>

To: kbolger@mt.gov

2 Files289.7 kBDownload All

PDF221 kB

Complaint_Form_modify.pdf

Download

PDF69 kB

POST_attachment.pdf

Download

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Montana Public Safety Officer Standards & Training Council

Website: dojmt.gov/post *Email:* ***mtpost@mt.gov***
2260 Sierra Road East *Phone: (406) 444-9975*
Helena, MT 59602 *Fax: (406) 444-9978*

PUBLIC SAFETY OFFICER COMPLAINT FORM

Instructions: *The complainant should complete this form and submit the form and any other supporting information to POST via email at the email address above. Alternatively, the form may be mailed to the address above. Pursuant to ARM 23.13.703(2), anonymous allegations will not be considered* *unless the director determines that public safety may be threatened if POST takes no action on an anonymous allegation.*

***Please note, however, that any allegation made to POST will be made to the Officer's employing authority for a response, *even anonymous allegations*.**

Complainant's Information:

Your Name: Glenn Ferren

Your Mailing Address: PO Box 203 Beach ND 58621

Your Email: gferren@yahoo.com Your Phone Number:

Officer's Information:

Officer's Name: Ethan R Atkin

Officer's Employer: Mineral County Sheriffs Office, Superior Montana

Incident Information:

Date/Time of Incident: 8/11/2024 Location of Incident: Mineral County Montana

Please state specifically what action you think POST should take: Investigate Evidence Tampering

Notification of Officer's Employing authority:

Every complaint must be submitted to the Officer's employing authority. The employing authority is the public safety agency where the Officer was working at the time of the incident.

Have you submitted this complaint to

the Officer's employing authority?

☐ Yes ☐ No [Letter to County Commissioners shared with MCSO 5/25/2025]

If yes, please state the action taken by the agency, if known:

No Action

[see Attachment 1]

Please read the following statement, and check the box, indicating your understanding:

☐ ***I understand that POST will forward a true and accurate copy of this Complaint Form and all attachments to the employing authority of the Officer against whom this complaint is made.***

Statement of Complaint:

Please state in exact detail what occurred, names of all witnesses and public safety officers who observed the incident, name(s) of all public safety officers who engaged in the alleged misconduct and what misconduct occurred, what injuries, if any, you suffered, and all other facts related to the incident. Do not include unsubstantiated information such as gossip or rumor. Attach any reports or documentation, such as photographs, medical records, etc. which relate to the incident. Continue your statement on additional sheets of paper, if needed, and attach pages to this document.

On August 11, 2024 deputy Atkin investigated an incident [DC-31-2024-0000032-IN]; deputy Atkin created

a report containing factual errors regarding the incident. [atkin (54-4) - rim_condensed report - approved by micah allard] This report was the foundation for false evidence and false testimony that was put in front of the jury

[DC-31-2024-0000032-IN] and influenced that jury to convict the defendant on felony charges. There was a

prior interaction with the defendant that may have *influenced the report created by deputy atkin [CR 595-2024-25] and an ongoing case [DC-31-2025-0000007-IN] that is relevant to the interaction between deputy atkin*

and the defendant. Incident details are available online at the Second Amendment Case ebook html link. Fourth Judicial District Mineral County Montana May 2025 - Second Amendment Case

https://archive.org/details/how-they-killed-the-second-amen-ferren-glenn_20250920/mode/2up [Use title search or author search – texts] [See Attachment 1]

Certification and Request of Complainant:
I HEREBY REQUEST the Montana Public Safety Officer Standards & Training Council investigate the conduct alleged in this complaint and take appropriate action, as authorized by law. Having been duly sworn, I hereby state under penalty of Perjury (45-7-201, M.C.A.) or False Swearing (45-7-202, M.C.A.) that I am the Complainant in this complaint, that I have prepared, read and fully understand all matters set forth in this complaint, that this investigation, as an official proceeding, is confidential to the degree required by law and that all information provided in this complaint is true and correct to the best of my knowledge.

(Signature of Complainant) Date

State of North Dakota

County of Golden Valley

Signed and sworn to (or affirmed) before me

on this 18th day of November 2025

what was the POST role in the lake county montana coyote club case

The Montana Public Safety Officer Standards and Training (POST) Council's role in the Lake County "coyote club" case was to police the professional conduct of law enforcement officers involved in the scandal.

Here is a breakdown of their specific involvement:

Initial Investigation: POST began an investigation into Lake County Sheriff's Deputy Dan Duryee for falsely claiming to be a Gulf War veteran.

Discovery of Further Misconduct: During the Duryee investigation, POST uncovered information about other potential criminal activities within the Lake County Sheriff's Office, including widespread poaching allegations that became known as the "coyote club" case.

Collaboration: POST investigators crossed paths and collaborated with game wardens from Montana Fish, Wildlife & Parks (FWP), who were also separately investigating the poaching activities. The combined effort revealed a broad pattern of misconduct among several officers.

Imposing Sanctions: As the state body responsible for certifying law enforcement officers, POST had the authority to permanently revoke an officer's certification.

In one instance related to the case, POST ordered an undersheriff to return to basic training for misrepresenting his work history.

POST also took action against an officer involved in intimidating a witness in the ongoing investigation, allowing him to keep his badge on the condition of a chemical dependency evaluation.

Essentially, POST served as the internal oversight mechanism for the law enforcement personnel involved, handling the administrative and professional consequences of the officers' actions, while FWP and the Attorney General's office handled the criminal poaching investigations.

[note that there are references that have been included to investigations made during the coyote club incident by various newspapers/reporters. there was a reference to the current sheriff of Mineral County, Ryan Funke, and his involvement in moving some of the animals mounts that were part of the investigation related to poaching. in general, the incident is considered by some to be mostly a coverup of the criminal activity by members of the lake county law enforcement personnel in the alleged timeframe of the event. POST appears to be a mechanism in place for minimizing negative effects on the Montana LE departments.]

Saga over ‘coyote club’ draws to close

Issue Date: 4/26/2017

Last Updated: 4/27/2017 6:21:24 PM | By Caleb M. Soptelean

POLSON — After six years, multiple court cases, numerous investigations and employee turnover, the saga over the so-called “coyote club” may be coming to an end.

The “coyote club” was brought to the limelight in 2010 as a result of an investigation by Frank Bowen, a longtime Montana Fish, Wildlife and Parks game warden, in which he alleged that several area law enforcement officers were taking game out of season in prohibited places through the “club.”

No charges were ever brought against most of the officers, although many of those embroiled in the controversy wound up in court.

In one case, former Lake County Sheriff’s Office reserve deputy Jesse Jacobs was charged with two counts of illegal possession of a game animal — a moose — but those charges were dismissed in May 2011. Assistant Attorney General Deborah Butler requested the charges be dismissed without prejudice due to insufficient evidence.

Some of the parties involved in the matter ended up suing each other, along with a few others in three different cases. Two of the three cases have been dismissed. Though final judgment in the last civil suit brought against the LCSO is pending, U.S. District Judge Richard W. Anderson recommended on Jan. 12 that the case be dismissed in its entirety.

When questioned recently about the “coyote club,” county attorney Steve Eschenbacher said he has no intention to continue the investigation and declined to comment further.

Two former sheriff’s office employees (who were part of a group that had brought a civil suit against LCSO for retaliation in bringing alleged corruption to light) now see an improved situation with the sheriff’s office.

“For those of us so intimately involved, it changed our lives,” said

Steve Kendley, who lives in the Polson area and works as an emergency medical technician in Missoula. "I'm so proud of us," he said. "We lit a fuse that changed some things."

"I have 100 percent faith that the chief law enforcement officer (Don Bell) has honesty and integrity," Kendley added. "Things are so much better. Citizens need to know we have a good sheriff's office."

Terry Leonard, who is now a detective with the Pondera County Sheriff's Office in Conrad, said the saga "was a very painful time for all parties involved. I believe the Lake County Sheriff's Office is on the right track to restore the confidence of Lake County citizens."

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/April%2019-20,%202012/misguided%20brotherhood.pdf

https://whitefishpilot.com/news/2012/jun/20/state-rejects-lake-county-allegations-9/

https://archive.org/stream/723902-statement-of-disputed-facts/723902-statement-of-disputed-facts_djvu.txt#:~:text=Sargeant%20stated%20that%20at%20the,Id)%20However%2C%20Lt.

Chapter 3 – Debra Jackson Mineral County Attorney

Jackson killed the Second Amendment right to self-defense on May 20th, 2025.

Debra Ann Jackson - 25 years of experience -- California, Montana

Jurisdictions Admitted to Practice -- California, Montana

State Bar of California ID Number: 201609 Since 1999

State Bar of Montana ID Number: 38148574 Since 2016

Addresses: PO BOX 300166 DE BORGIA, MT 59830 Telephone: (949) 633-4028

1103 Rock Creek Rd St Regis, MT 59866 Telephone: (949) 633-4028

djackson@co.mineral.mt.us

djackson@mt.gov

A California transplant which could point to the anti-2nd amendment attitude/extreme charges as related to the self-defense case in Mineral County Montana.

Western State College of Law --Private school in Irvine, California

Saddleback College -- Mission Viejo, CA · Public · 2-year

Notes:

“If I tell you a fact that is not a fact, that is ok. “ A fact that is not a fact, is often a lie. The rule of law depends on the truth, fair treatment, and a factual case... or you are only dealing with the power of law. To win by any means regardless of the truth, doesn’t make you good, just unethical.

Jackson told the jury a story, where the defendant was the aggressor like the bad guy in an old western shooting at the townies feet, “dance boy dance” and Cline embellished that story with another western scene where the bad guy shoots the good guy in the back. Both stories are absurd.

This chapter will have a lot of “duplication” mostly from the postings to Facebook on the case as Debra Jackson was being kept informed of my efforts via social media to tell the true story of this case. This was a good way to put that information in front of the public and in front of Jackson.

Note: Jackson and MC Sheriffs Office - > hiring of unqualified deputies, deputies with criminal records - see writ of mandamus [A writ of mandamus is a court order that requires a government official or entity to perform a legal duty or stop doing something that is prohibited by law. It is considered an extraordinary remedy that should only be used in exceptional circumstances] [refer to recent motion(s) regarding potential jury tampering and her attempt to retaliate against (me) the father of Joshua Ferren by proposing revoking the bond of defendant and incarceration of defendant for (my) his father's social media First Amendment right disclosures about this case]

1->note that the judge in this case issued a strong rebuke to her in that attempt

2->note that she was flailing and defensive in her attempt at retaliation, because of the revelations about this case and of the connections to the william est case

3->note that she dodged a bullet in the decision on the motion to dismiss for failure to provide exculpatory evidence

defending a residence/nest of meth heads, while supporting charges against the second amendment right of self-defense and justifiable use of force will not play well in Montana or Mineral County.

re: 1&2->[However, the right to an impartial jury is a right constitutionally and statutorily accorded to the accused, not the State. Although the State may move for a change of venue, the prejudice enunciated for the change must be prejudice to the defendant.]

[***3. Revocation of Defendant's Release***
Even assuming Defendant is directly responsible for the subject Facebook posts, the State has not identified a specific condition of release Defendant violated with such posts. Justice Court imposed various conditions of release for Defendant (Dkt #4). None of those conditions of release address refraining from social media posting or otherwise commenting on the pending charges.][As the

State notes, Defendant has a right to free speech and may be exercising that right to criticize the case, the prosecutor and even the Court.]

re: 3-> [The Court finds the State did not act in bad faith, and admonishes the State. The Court advises in their review, they have discovered a link provided to OPD could have been shared with Counsel, and is not an instance of bad faith from the State.
The Court advises if we were in early January, there would be a situation where dismissal is necessary, however, that information has now been provided, and there now very little prejudice against the Defendant.]
Glenn Ferren -Consider me to be a concerned citizen exercising his first amendment right to free speech...

Review/reply :MOTION ON POTENTIAL JURY POOL TAMPERING
The Sixth Amendment of the Bill of Right guarantees, among other
things, a defendant's right to a trial "by an impartial jury" and a trial in "the State and district wherein the crime shall have been committed."

>-- withholding evidence from the jury does not creat an "impartial jury", but it does create an "uninformed jury"

>-- facts do matter, withholding facts/evidence regarding the credibility and honesty and threat level of the "victim/witnesses" creates a bias against the right to a fair trial of the self-defense claim.

>--btw, defendant name is misspelled, but errors are common in this county attorney's submittals.

These posts taint the credibility of the State and the Court which has tainted this jury pool.

-->these posts question by presenting true facts the credibility of the County Attorney -- as is evidenced by the presentation of the real facts in the case Vs the false narrative version of the facts presented by the County Attorney. And by presentation of the omitted real facts that do counter the "spin" narrative of the county attorney to make the victim the criminal and to make the criminal the victim. If the State has a righteous case, it should not fear for its credibility.

The following are the Facebook posts that have gone throughout over one-third of the community, if not more.
>--(superficially plausible, but actually wrong ..."a specious argument". There is no substaniating evidence of this claim. This appears to be an attempt by the county attorney to manipulate the court. This is a CA that obviously does not understand Facebook)

On February 21, 2025 at 8:45 a.m. Glenn Ferren sets forth “victim
1’s” alleged criminal history. Further he sets forth “victim 2’s” alleged
criminal history. <warren cline, paula nicol = “complaining witness”
>-- (Oregon criminal records are public and freely available, nothing is "alleged". County attorney/

state failed to do its due diligence by not Discovering and providing this evidence to the defendant.)

He recites defendant is a victim and puts forth his version of the facts.

>--(he puts forth the real "facts" directly contradicting the county attorney's version of the facts, fixed it for you, you're welcome)

He again sets forth his version of the facts.

>-- (he sets forth the real facts Vs the county attorney's false version of the facts)

Another potential remedy is a change of venue, which is costly and
inconvenient to all parties.

>--(the better remedy would be dismissal of this case, dismissed with prejudice, or the replacement of the county attorney, debra jackson... who has shown her incompetence and bias...by her failure to recognize and address the flaws in this case; by basing the charges on false and incomplete information about the incident and by elevating the status of career criminals to victims)

If this remedy is put forth, the State would request Glenn Ferren bear all the costs.

>--if this remedy is put forth, the State (Debra Jackson) should bear all the costs, having created this farce of a criminal case. In order to convince the jury into believing what is not true, the county attorney and deputy (Ethan Atkin) created out of whole cloth a crime that did not happen.

How much does a County Attorney make in Montana? As of Mar 4, 2025, the average annual pay for a County Attorney in Montana is $90,252 a year. A sheriffs deputy in Montana earns between $50,000 and $90,000 a year.

Debra Jackson 1103 Rock Creek Rd St Regis, MT 59866 (hidden valley ranch - 480 acres - valuation of property at $900,000.00, property in MT has since been reevaluated, Jackson's property is likely now in the $1.5 million valuation)

debra jackson has another constitutional right she does not like, now not only does she oppose the second amendment and the right to self-defense, she also now opposes the first amendment right to free speech. being a public servant her work is fair game for public oversight and correction when it is egregiously wrong. the power she wields can do serious damage to individuals and families.

How Debra Jackson killed the Second Amendment, May 19/20 2025

Working with false evidence and an ex-convict

meth head with a "creative" story, Jackson convinced a jury of Mineral County Second Amendment supporters to bring guilty charges in a self-defense trial. But we all know ex-convict meth heads need someone to look out for them, right ? Theirs is a hard life. And this one just wants to bring flowers and rainbows to the world, and especially to his neighbors. He would never steal from them (he said so).

On Monday May 19th, an image depicting the complaining witness and a hole in the county roadway was submitted to the jury as evidence of a bullet impact location. Problem is that it is not the bullet impact location. This photo and another photo (of the actual impact location) were submitted during deputy atkin's post incident data gathering. Atkin noted that the hole complaining witness claimed (10) minutes after the incident was the impact site "right at my feet, 3 ft away"... was NOT a bullet impact site. (there was no discharge investigation/bullet fragment gathering done by MCSO at the time of the incident or later) The defendant in the week of the incident, provided a video of metal detector recovery of fragments from the bullet impact site to his public defender. Exactly where he said he shot and 180 degrees away from the complaining witness and his "right at my feet, 3ft away" hole (where someone had kicked a rock out of the roadway).

This is an important piece in Jackson's miscarriage of justice. It sets up the meth heads status as a "victim" and allows for his narrative of how the incident progressed according to his testimony. He was just out to see what was wrong with his neighbor and how could he help. But, and this is interesting, because it was not in the report made (10) minutes after the incident in august 2024, the "victim" now added a new twist to his story. It seems the shot "right at my feet" occurred after he had turned to walk away, so he turned around again to face the defendant, because "I was afraid he would shoot me in the back". Problem is, none of that happened. Now, in a self-defense case, if you are painted as the aggressor, and especially if you are a "back-shooter", you have no legal right to self-defense. Game over.

And this is just the way Jackson presented it to the jury. But she had help. When atkin testified, as he was about to describe the photo of the (actual) bullet impact site (this guy is an ex-military tanker and knows about bullet and cannon shell impact sites), the defendant's public defender interrupted him (I think asking about the non-investigation/no fragment recovery by MCSO) and somehow, beyond reasonable explanation, the false evidence photo (not the bullet impact site) was accepted as evidence to put before the jury. This is not the only F***up by the PD during the two days of trial.

There was the incident where deputy hughes blurted out "history of aggression" (there was none, it was the line he partially remembered from atkin noting defendant was aggressive toward law enforcement (who had mouth'ed off and called atkin a coward). The folks in charge decided no one had heard the comment (I heard it in the back of the court room, and hughes was right in front of the jury). Not a good thing for the jury to hear. (and not true)

Also, the public defenders convinced the defendant that he did not need to testify. No need, they had the case (won the case insinuated) because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on warren cline's chest to hold him back, as the meth head did stop but not retreat after the discharge. that kinda indicates no assault and no intimidation IMHO)

If you know a member of the jury from that trial, you might let 'em know how they were used to circumvent a second amendment right to self-defense.

(memorial quotes from jackson during the trial ..."if I tell you a fact that is not a fact, that is ok" “mr cline doesn’t look to scary to me“)

<Defendant was represented by public defender attorneys ann davis, suzanne marshall>

why did the public defenders not depose the states complaining witnesses before the trial ?

lawyers routinely depose witnesses as part of the legal discovery process in civil and criminal cases. Depositions are a formal way for lawyers to question individuals under oath, outside of a courtroom setting, to gather information and evidence relevant to a case.

Here's a more detailed explanation:

Purpose of Depositions:

Depositions help lawyers prepare for trial by allowing them to see how a witness will testify, assess their credibility, and gather information that may be used to impeach them at trial if their testimony is inconsistent.

<might have been good preparation for Cline’s addition to his initial statements to deputy atkin, where in court at the trial he stated he had turned to leave and the defendant shot at him, that he was afraid he would be “shot in the back…” , note that on the bodycam video what he said about being afraid was “I was scared, I’m always scared”

if false evidence is admitted to jury is it grounds for mistrial ?

the admission of false evidence can be grounds for a mistrial, but it depends on several factors:

Key Considerations:

Materiality:

If the false evidence is central or material to the case (e.g., it influences the outcome or affects the jury’s perception significantly), it is more likely to be considered grounds for mistrial.

Intentional or Inadvertent:

Courts distinguish between:

Intentional misconduct (e.g., prosecutors or witnesses knowingly introducing false evidence), which is more serious and can justify a mistrial.

Inadvertent error, which may be addressed with a jury instruction or other remedies short of a mistrial.

Timeliness of Objection:

The defense must typically object promptly when the false evidence is introduced. Failure to object in time might limit available remedies.

Corrective Measures:

The judge might try to remedy the situation (e.g., striking the evidence, issuing a curative instruction to the jury). If the judge believes that the damage can't be undone, they may declare a mistrial.

Prejudice to the Defendant:

The court assesses whether the introduction of false evidence caused unfair prejudice that undermined the defendant's right to a fair trial.

Legal Standards:

Under the Due Process Clause of the U.S. Constitution, a conviction based on knowingly used false evidence by the prosecution violates a defendant's rights and can lead to reversal or retrial.

See cases like Napue v. Illinois, 360 U.S. 264 (1959), and Giglio v. United States, 405 U.S. 150 (1972).

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL
STATE OF MONTANA,Plaintiff,vs.Joshua David Ferren,Defendant.
Cause No. DC-31-2024-0000032-INJudge Shane Vannatta

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence)

I. FACTUAL BACKGROUND

1. On [May19th, 20th] , the State introduced Exhibits [6.1,6.2,6.3,6.4, 6.5, 6.6] , which includes a photograph purportedly showing a bullet impact location and one Warren A

Cline on the county roadway [cabin city loop road] ...”right at my feet” .2. The State's witness, [Warren A Cline] , added False Testimony when he testified that the photograph depicted a scenario directly related to the alleged offense. 3. Defendants public defenders failed to present to the jury that this photo was not the actual bullet impact location. Defense counsel had evidence from both bodycam video and discovery photos demonstrating the actual bullet impact location. Defense failed to impeach Cline’s False Testimony. In addition Defense had from the Defendant a video of bullet fragment recovery from the actual bullet impact site.4. This False Evidence was confirmed by deputy Ethan R Atkin in bodycam video : atkin_body_camera_Josh_Ferren_Assault_with_a_weapon.mp4 atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway] [Photo images Discovery actual bullet impact location - #3122/#3123]

- wherein Atkin identified the False Photographic Evidence alleged to be the bullet impact location;- And identified the actual bullet impact location, with photo evidence;- Prosecution allowed the introduction of the False Photographic Evidence and subsequent False Testimony to substantiate the State’s narrative of events.

Ineffective assistance of counsel by public defender(s) in this case:
1) bullet impact site alleged by Cline Vs actual real bullet impact site
[MCSO did not investigate for bullet fragments. The Defendant did and produced a video of those results showing the recovery of a bullet fragment. Atkin is the verification for the bullet impact location based upon his opinion and war service experience. Atkin was about to do that when interrupted by the defendant's public defender.] [actual weapon discharge/bullet impact location is depicted by images #3122/#3123 AND this was not clarified to the jury]
2) knowledge of Cline's violent behavior
[PDs confused 4th of july fight, it was with Chuck Est, not willam est - so the witness answered truthfully that there was no fight (with william est)]
3) statements made to deputy hughes w/o miranda
[that there was (no miranda) should have been pointed out to the jury]

4) it should have been made clear to the jury that there was no 2nd 9-11 call
[the one and only call to 9-11 was from the defendant, there was no 2nd call about a shooting]
5) why was there no interview with willam est
[why was this possible witness only revealed during the trial]
6) "history of aggression" statement made by deputy hughes regarding defendant
[there was no “history of aggression”, and this should have been clarified to the jury]
7) the PD's encouragement to the defendant to not testify in his own behalf [PD's stated in a closed conversation to defendant that they were going to win the case, that the county attorney had not met her burden of proof, and there was no need to testify, convincing defendant]

II. LEGAL BASIS FOR A NEW TRIAL

This motion is grounded in the following authority:
- Mont. Code Ann. § 46-16-702: Allows the court to grant a new trial “if required in the interest of justice.”
- Napue v. Illinois, 360 U.S. 264 (1959): The knowing use of false evidence by the State violates due process.
- Brady v. Maryland, 373 U.S. 83 (1963): Withholding material exculpatory or impeaching information violates due process.
- State v. McWilliams, 2008 MT 59, ¶ 31: A Montana district court may modify or vacate a verdict where the weight of the evidence or legal error justifies such relief.

III. ARGUMENT

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution’s narrative. Its influence on the jury’s perception of the crime scene and the alleged act was substantial.This false representation:- Prejudiced the Defendant’s right to a fair trial;- Was known or discoverable with reasonable diligence by the defense during trial;- Would likely have resulted in a different verdict had the jury known the truth.Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence or that the court vacate the verdict rendered.

IV. RELIEF REQUESTED

The Defendant respectfully requests that this Court:1. Set a hearing on this motion;2. Grant a new trial pursuant to § 46-16-702, MCA, or vacate the verdict;3. Grant any such other

relief as the Court deems just and proper.DATED this _5th_ day of June , 2025.Respectfully submitted,Joshua Ferren, Defendant331 Cabin City Loop Rd, St Regis MT 59866

CERTIFICATE OF SERVICE
I, Joshua Ferren, hereby certify that I have provided a true and accurate copy of
MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence) to:
Debra Ann Jackson (County Attorney)
300 River Street P.O. Box 339 Superior MT 59872
Representing: State of Montana
Service Method: Registered Mail, USPS
signed, authorized to assist, Glenn D Ferren

Summary:

if false evidence is presented to the jury and it materially affects the fairness of the trial, it can be grounds for a mistrial. However, courts evaluate whether the harm can be remedied by less drastic means first.

In Montana, the presentation of false or misleading exhibits during a trial can significantly impact the proceedings. The Montana Supreme Court has addressed several cases where the authenticity, admissibility, or prejudicial nature of exhibits was in question. Here are some notable examples:

1. State v. Nelson, 2014 MT 312

In this case, the defendant was charged with tampering with or fabricating physical evidence under § 45-7-207, MCA. The Montana Supreme Court clarified that the statute applies when an individual knowingly presents false evidence with the intent to mislead during an official proceeding or investigation. Importantly, the Court emphasized that the statute's applicability does not depend on whether the underlying crime occurred but focuses on the intent to mislead through false evidence.

2. State v. Hicks, 2006 MT 71

Hicks challenged the admission of certain exhibits, including audio recordings and photographs, arguing they were prejudicial and introduced without proper notice. The Court held that, absent a specific demonstration of prejudice affecting the defendant's substantive rights, the admission of such exhibits did not constitute reversible error. The decision underscores the importance of timely objections and the necessity of demonstrating how the evidence impacted the trial's fairness.

3. State v. Forsythe, 2017 MT 317

In Forsythe, the prosecution introduced letters allegedly authored by the defendant, authenticated by a police officer's handwriting comparison. The Court found this testimony exceeded the scope of permissible lay opinion, as the officer was not qualified as an expert witness. The admission of these exhibits without proper expert authentication was deemed erroneous, highlighting the necessity for appropriate foundational evidence when introducing exhibits.

4. State v. Hoover, 2021 MT 277

The issue in Hoover revolved around the replay of video evidence during jury deliberations without notifying the parties. The Court held that allowing the jury to review testimonial video evidence without proper procedures violated the defendant's rights. This case illustrates the potential for undue emphasis on certain exhibits and the importance of adhering to procedural safeguards when exhibits are reviewed by the jury.

Montana Courts

These cases demonstrate the Montana Supreme Court's attention to the proper handling of exhibits and the potential consequences when false or improperly admitted evidence is presented. They underscore the importance of ensuring that all exhibits are authenticated, relevant, and introduced in compliance with procedural rules to maintain the integrity of the judicial process.

In Montana, the use of false or misleading photographic evidence has been addressed in several legal cases, highlighting the importance of accurate and properly authenticated exhibits.

Here are some notable examples:

1. O’Connor v. George, 2015 MT 274

In this civil case, the Montana Supreme Court reversed a trial court decision due to defense counsel's misrepresentation regarding photographs of the defendant's damaged vehicle. The Court held that the misrepresentation constituted an irregularity in the proceeding, depriving the plaintiff of a fair trial. This case underscores the critical role of truthful representation of photographic evidence in ensuring a fair trial.

2. State v. Lagge, 1964

In State v. Lagge, the defendant argued that the prosecution's use of outdated photographs, which depicted him differently than his current appearance, hindered the victim's ability to identify him. The Montana Supreme Court acknowledged the discrepancy but found no prejudicial error, noting that the defense had opportunities to address the issue during the trial. This case illustrates the importance of using current and accurate photographic evidence in court proceedings.

3. State v. Rollins, 1967

In State v. Rollins, the admissibility of a post-mortem photograph was challenged on the grounds of being particularly distasteful and lacking significant probative value. The Montana Supreme Court emphasized that courts should weigh the probative value of such evidence against its potential prejudicial effect. This case highlights the necessity of ensuring that photographic evidence contributes meaningfully to the facts of the case without unduly prejudicing the jury.

4. State v. Mefford, 2022

In State v. Mefford, a parole officer conducted a warrant less search of the defendant's cell phone, accessing digital photographs beyond the scope of the agreed-upon search. The Montana Supreme Court ruled that this search violated the defendant's right to privacy, rendering the photographic evidence inadmissible. This case underscores the importance of adhering to legal procedures when obtaining photographic evidence, especially in the digital realm.

5. Montana Code Annotated § 26-1-608

This statute permits the use of photographs as competent evidence in theft cases, provided certain conditions are met. Specifically, law enforcement must designate a person responsible for properly photographing the items and preserving the photographic evidence. A report must accompany the photographs, detailing the items, ownership, and affirming the accuracy of the representation. This provision ensures the reliability and admissibility of photographic evidence in legal proceedings.

These cases and statutes collectively emphasize the critical role of accurate, properly authenticated, and legally obtained photographic evidence in Montana's judicial system. Misrepresentation or improper handling of such evidence can lead to appeals, reversals, or the exclusion of key exhibits.

Montana Law on Witness Credibility

Under Montana Code Annotated § 26-1-302, a witness is presumed to speak the truth. However, this presumption can be rebutted by factors such as:

The witness's demeanor while testifying

The character of the witness's testimony

Bias or interest in the outcome of the case

Inconsistent statements

Admissions of untruthfulness

Contradictory evidence

These factors allow the jury or court to assess and determine the credibility of a witness.

As it appears the Court and Judge Vannetta is going to ignore the Motion for a new Trial, this letter was sent to the judge. It was an opportunity to put more information in front of the “truth finder”. Its not a given that the judge even looked at this correspondence and a copy of same was given to the defendant’s public defender by the Court.

Hon. Shane Vannetta 7/13/2025
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, MT 59802
Submitted Sentencing Considerations:

>Joshua was offered a plea deal, (five year deferred sentence on the first charge with the

other two dropped. 2 1/2 years of probation with the likelihood of regaining my gun rights.)

>At trial the public defenders convinced Joshua that he did not need to testify. No need, they had won the case because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on warren clines chest to hold him back, as cline did stop but not retreat after the discharge.)

>Joshua tried to help one of the victims of the cline/est family escape: (It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it. Apparently she stayed at the shelter and chuck picked her back up and brought her back to his house where the boy beat her again.
I saw her sitting in the road in between .... place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the est place. I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.
I imagine she didn't. I helped her drag her suitcase into the shelter and told her good luck and left. No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know, I just felt bad seeing her crying in the damn road.)

>warren adrain cline: took his brother-in-law chuck est dowf1 in a yard fight, three or four weeks before the incident with Joshua he "put his girlfriend in her place", Tattoo says "mighty whitey" (Warren Adrian Cline, from Crook County, Oregon - criminal violations :Burglary, Assault, Possession of Heroin) [violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999- criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second

degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal nonsupport
| opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id])

>Related case in progress: [DC-31-2025-0000007-IN State of Montana vs. William Adrian Est (6) felony charges] -- Cline's brother-in-law, Cline's sister, Cline's nephew. The connection is that all of these individuals live on the same property and share the same facilities, in a mobile home and travel trailer within feet of each other. [Est charges: 45-5-213 : FEl-Assault With Weapon 45-5-303 : FEl-Aggravated Kidnapping 45-5-503(1) : FEl-SexualIntercourse Without Consent 45-5-220 [FEl] [1st] : FEl-Stalking When Order of Protection in Place- 1st Offense - Felony 45-7-206: FEl-Tampering With Witness/Informant 45-7-206: FEl-Tampering With Witness/Informant

I believe Joshua has learned some valuable insights from this experience. Incarceration will prevent him from working and meeting his responsibilities such as child support. The plea deal he was originally offered would be a good sentencing decision.
Glenn Ferren

<Postings on FaceBook, Mineral County Uncensored group page that Jackson called possible jury tampering - >

July 20, 2025 - > Just an update on the Second Amendment self-defense case in Mineral County, May 2025

Cause No. DC-31-2024-0000032-IN

The court has in hand (since June 17th) the Motion for new Trial based on the false evidence and subsequent false testimony that was presented to the jury. And a part of that motion is the public defender's awareness of the false evidence and their failure to impeach the complaining witness's testimony.

The county attorney's response has not been available (yet). Notable quotes in this case by Jackson - "if I tell you a fact that is not a fact, that is ok", and "Mr Cline does not look very scary to me". Cline's record - Burglary, Assault, Possession of Heroin, etc. being a non-consideration for either "scary" or as a truthful witness evidently.

Jackson has a source that keeps her updated on my posts on this group. It remains to be seen if her game plan will continue to be cya or to do things right and ethically and cleanup the mess that has been created by the county attorneys office and the mineral county sheriffs office.

As you are aware by now, the Cline family is involved in another criminal case. For details on that review my previous postings or research Cause No. DC-31-2025-0000007-IN thru the Public Access Portal, search William Est...

June 22, 2025 - >How do you lose a second amendment self-defense case in Montana to the meth head across the road ? It's an interesting story... a county attorney that puts false evidence in front of the jury ("If I tell you a fact, that is not a fact, that is ok", she said), an ex-con meth head that gives false testimony at trial, and two public defenders - one in training and the other allowed to practice "with supervision", definitely not the "A" team . In our legal system, prosecutors are allowed to limit the information a jury can know about both the defendant and importantly about the victim/witness. Is this "justice" or just an uninformed jury ? If you are a defendant, do you plead guilty to something you did not do ? or got to a jury facing an 80% conviction rate, and likely be found guilty of something you did not do, a law you did not break. Unless you have $25,000 to fund a lawyer for a trial, you are left with the public defenders office. And from this case, the question emerges, how well does the public defenders office and its lawyers actually serve the public, what performance level is acceptable ?

Will the court do cleanup or coverup on this case ? -->IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL

STATE OF MONTANA,

Plaintiff,

vs.

XXX,

Defendant.

Cause No. DC-31-2024-0000032-IN

Judge Shane Vannatta

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False

Photographic Evidence)

I. FACTUAL BACKGROUND

1. On [May19th, 20th], the State introduced Exhibits [6.1,6.2,6.3,6.4, 6.5, 6.6], which includes a photograph purportedly showing a bullet impact location and one Warren A Cline on the county roadway [cabin city loop road]…"right at my feet" .

2. The State's witness, [Warren A Cline], added False Testimony when he testified that the photograph depicted a scenario directly related to the alleged offense.

3. Defendants public defenders failed to present to the jury that this photo was not the actual bullet impact location. Defense counsel had evidence from both bodycam video and discovery photos demonstrating the actual bullet impact location. Defense failed to impeach Cline's False Testimony. In addition Defense had from the Defendant a video of bullet fragment recovery from the actual bullet impact site.

4. This False Evidence was confirmed by deputy Ethan R Atkin in bodycam video :

atkin_body_camera_XXX_Assault_with_a_weapon.mp4

atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway][Photo images Discovery actual bullet impact location - #3122/#3123]

- wherein Atkin identified the False Photographic Evidence alleged to be the bullet impact location;

- And identified the actual bullet impact location, with photo evidence;

- Prosecution allowed the introduction of the False Photographic Evidence and subsequent False Testimony to substantiate the State's narrative.

Ineffective assistance of counsel by public defender(s) in this case:

1) bullet impact site alleged by Cline Vs actual real bullet impact site

[MCSO did not investigate for bullet fragments. The Defendant did and produced a video of those results showing the recovery of a bullet fragment. Atkin is the verification for the bullet impact location based upon his opinion and war service experience. Atkin was about to do that when interrupted by the defendant's public defender.][actual weapon discharge/bullet impact location is depicted by images #3122/#3123 AND this was not clarified to the jury]

2) knowledge of Cline's violent behavior

[PDs confused 4th of july fight, it was with Chuck Est, not willam est - so the witness answered truthfully that there was no fight (with william est)]

3) statements made to deputy hughes w/o miranda

[that there was (no miranda) should have been pointed out to the jury]

4) it should have been made clear to the jury that there was no 2nd 9-11 call

[the one and only call to 9-11 was from the defendant, there was no 2nd call about a shooting]

5) why was there no interview with willam est

[why was this possible witness only revealed during the trial]

6) "history of aggression" statement made by deputy hughes regarding defendant

[there was no “history of aggression”, and this should have been clarified to the jury]

7) the PD's encouragement to the defendant to not testify in his own behalf [PD's stated in a closed conversation to defendant that they were going to win the case, that the county attorney had not met her burden of proof, and there was no need to testify, convincing defendant]

II. LEGAL BASIS FOR A NEW TRIAL

This motion is grounded in the following authority:

- Mont. Code Ann. § 46-16-702: Allows the court to grant a new trial “if required in the interest of justice.”

- Napue v. Illinois, 360 U.S. 264 (1959): The knowing use of false evidence by the State violates due process.

- Brady v. Maryland, 373 U.S. 83 (1963): Withholding material exculpatory or impeaching information violates due process.

- State v. McWilliams, 2008 MT 59, ¶ 31: A Montana district court may modify or vacate a verdict where the weight of the evidence or legal error justifies such relief.

III. ARGUMENT

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution's narrative. Its influence on the jury's perception of the crime scene and the alleged act was substantial.

This false representation:

- Prejudiced the Defendant's right to a fair trial;

- Was known or discoverable with reasonable diligence by the defense during trial;

- Would likely have resulted in a different verdict had the jury known the truth.

Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence or that the court vacate the verdict rendered.

IV. RELIEF REQUESTED

The Defendant respectfully requests that this Court:

1. Set a hearing on this motion;

2. Grant a new trial pursuant to § 46-16-702, MCA, or vacate the verdict;

3. Grant any such other relief as the Court deems just and proper.

June 4, 2025 - > How Debra Jackson killed the Second Amendment in Mineral County Montana -->"if I tell you a fact, that is not a fact, that is ok" ... debra jackson

observations from a (2) day trial, and some research ...

an fyi - circumstantial evidence is equal to real evidence -->>For example, circumstantial evidence such as motive, opportunity, and DNA analysis can create a strong case against a defendant even without an eyewitness account. Courts place equal weight on circumstantial and direct evidence as long as it is convincing and cohesive. [well there goes all those made for TV courtroom dramas..."objection, circumstantial evidence!"]

did you know ? - if two deputies arrive and one says come over here and tell me whats going on ... anything you say to that deputy can and will be used against you, it does not require a miranda warning... because it is a voluntary statement.

And speaking of the miranda statement: it really should be written like this ...> STFU, do not say another word. I am taking you to jail, when the handcuffs go on you are officially under arrest and you are not going to talk your way out of what I intend to do to you. BUT if you say anything I will make good notes and it will help me to keep you behind bars longer. STFU until you have a lawyer. If you are smart, the only thing you will tell me is name, rank, and serial number . [after the spiel they always ask you if you want to talk to them - Hard NO]

BTW - Did you know that anything you say when you are drunk can be used against you ? Even though its a well known scientific fact that alcohol adversely affects your judgement, cognitive ability, and inhibitions... unless you are literally falling all over the place, puking, and are about 99% toast, the courts will take what you said as evidence to use against you when you are drunk on your ass.

TIP - If you are in a trial, speak low and keep your head down. It will appear that you are meek and mild and just quiet and nervous from the stress of being in court. If you are a 6ft 200lb ex-convict, try to hunch down in your seat so as to appear to be smaller than you are. The audience (jury) will perceive that you are most likely a victim if you are good at this presentation.

Speaking of County Attorney Debra Jackson, are you all good with a county attorney that will use false evidence (and a fact or two that ... is not a fact). After watching her in a trial where the defense literally had to help her operate her computer to present photos and videos, after watching her turn a 200lb ex-convict into a victim terrorized by a 140lb guy trying to keep said ex-con from giving him a beatdown like he did his brother-in-law... or his girlfriend two weeks before the incident, after hearing Jackson say "mr cline doesn't look dangerous to me"... I think Mineral County could use a new county attorney.
(Recall Petition)

I wonder what the rest of her cases would look like if given a through review. And remember that while working vigorously defending this particular meth head family member and his girlfriend, the CA and MCSO allowed another girl to become a victim of meth head's nephew. Same property, same timeframe. [note: victim given a ride to missoula by that 140lb terrorizer of ex-con meth heads, before the family tracked her down and brought her back to cabin city]

If you know any of these jury members, let 'em know how Jackson used false evidence (the bullet hole that was not a bullet hole photo) to get these Second Amendment supporters to return a guilty verdict: (refer 'em to my postings on the case in this group), I'm guessing they won't be happy...

Jeffrey Parsons

Tracy Wicklund

Misty Dawn Sherwood

Joshua M. Rahmer

Tnoy K. Borwn

Jordan LaPierre

Steven Wayne Prater

Antoinette M. Labbe

Anita M. Heimbigner

Michael Dowling McGuirk

Donna Simons

Vickie Caswell

Don K. Cooper

Sooo, in order to prevent an actual physical assault to himself, the defendant, per the state's argument has created an "emotional" assault upon the "victim" and "emotional" intimidation upon the "victim" (has hurt his feelings), neither of these two charges are actually reflected in the subsequent real-time actions of the "victim". The bungled investigation of a theft by the MCSO deputy Ethan Atkin leads to the arrest of the defendant (the real victim) but that arrest of the defendant also

creates an "emotional" feeling of happiness in the "victim"/ suspected thief. Perhaps the defendant should have allowed the "victim" to physically assault him, thus giving the "victim" the same end result of an "emotional" feeling of happiness.

And while we are talking about "feelings" perhaps per the states's argument. the defendant should have just given his firearm to the "victim" and said "go ahead and shot me". if that would make you happy. Welcome to the absurd world created by the state/ county attorney created by bringing these charges against the defendant.

*a few words about the legal system ... we have the best legal system that money can buy. A lawyer Vs a public defender = $10K upfront, and additional $10-$15K if the case goes to trial. *A win is getting a plea bargain, pleading guilty to something you did not do in order to avoid a worse sentence for something you did not do....statistics:18 percent of jury trials resulted in acquittal, and 82 percent resulted in a conviction. Mistrials, where a trial ends without a verdict, are very rare.

Why is this you may ask ? Because the jury is given a very limited amount of information to work with and they are directed to know no more than what they are told. The jury is not allowed to know all the facts, only a select subset of the facts to promote the prosecutions spin on an event they did not even witness. Jackson referred to the facts in the self-defense case that I have noted in this FB group and stated those facts ...as being "my version of the facts". There is in this world what we call facts aka the truth Vs Jacksons "if I tell you a fact that is not a fact, that's ok". aka Her version of the facts, aka a lie.

"justice is blind" is meant to mean that justice is impartial to status, and thus fair. But as you can see when the legal system wraps itself in rules and procedures, dotting the I's and crossing the T's ... it is then only a legal system and not a justice system. In that instance Justice is not only blind, its in a coma and on life support. And the legal system considers itself infallible, in its own structure and process... it does not make mistakes. Getting the legal system to recognize its mistakes and to correct those errors is a sisyphean effort. Sometimes the victim is the victim of the legal system; the court, the sheriffs deputy, the county attorney ...and not the thief that has honed his lying skills after years of experience with courts and the legal system.

June 1, 2025 - > Just a few words regarding the rumors in the West End that Warren and Paula may be working for the MCSO and the

Drug Task Force.

The sheriff said they were not. And County Attorney Debra Jackson recently defended warren cline in the second amendment self-defense trial, may 19/20th

warren cline. (lives in cabin city) age 56: white male: 6' 200lb, brown eyes, bald, tattoo "mighty whitey", motorcycle/pickup

paula nicol (lives in cabin city) age: 51: white female:5'4" 120lb, blue eyes , brown hair, audi suv

Warren is the uncle of William Est (pending trial - several felony charges, lives in cabin city)

And there is no evidence to support the rumors that the Est family may be looking to make points with the County Attorney/drug task force in hopes of reducing William's charges.

These guys are definitely not CI's.

May 23, 2025 - > How Debra Jackson killed the Second Amendment, May 19/20 2025

Working with false evidence and an ex-convict meth head with a "creative" story, Jackson convinced a jury of Mineral County Second Amendment supporters to bring guilty charges in a self-defense trial. But we all know ex-convict meth heads need someone to look out for them, right ? Theirs is a hard life. And this one just wants to bring flowers and rainbows to the world, and especially to his neighbors. He would never steal from them (he said so).

On Monday May 19th, an image depicting the complaining witness and a hole in the county roadway was submitted to the jury as evidence of a bullet impact location. Problem is that it is not the bullet impact location. This photo and another photo (of the actual impact location) were submitted during deputy atkin's post incident data gathering. Atkin noted that the hole complaining witness claimed (10) minutes after the incident was the impact site "right at my feet, 3 ft away"... was NOT a bullet impact site. (there was no discharge investigation/bullet fragment gathering done by MCSO at the time of the incident or later) The defendant in the week of the incident, provided a video of metal detector recovery of fragments from the bullet impact site to his public defender. Exactly where he said he shot and 180 degrees away from the complaining witness and his "right at my feet, 3ft away" hole (someone had kicked a rock out of the roadway).

This is an important piece in Jackson's miscarriage of justice. It sets up the meth heads status as a "victim" and allows for his narrative of how the incident progressed according to his testimony. He was just out to see what was wrong with his neighbor and how could he help. But, and this is interesting, because it was not in the report made (10) minutes after the incident in august 2024, the "victim" now added a new twist to his story. It seems the shot "right at my feet" occurred after he had turned to walk away, so he turned around again to face the defendant, because "I was afraid he would shoot me in the back". Problem is, none of that happened. Now, in a self-defense case, if you are painted as the aggressor, and especially if you are a "back-shooter", you have no legal right to self-defense. Game over.

And this is just the way Jackson presented it to the jury. But she had help. When atkin testified, as he was about to describe the photo of the (actual) bullet impact site (this guy is an ex-military tanker and knows about bullet and cannon shell impact sites), the defendant's public defender interrupted him (I think asking about the non-investigation/no fragment recovery by MCSO) and somehow, beyond reasonable explanation, the false evidence photo (not the bullet impact site) was accepted as evidence to put before the jury. This is not the only F***up by the PD during the two days of trial.

There was the incident where deputy hughes blurted out "history of aggression" (there was none, it was the line he partially remembered from atkin noting defendant was aggressive toward law enforcement (mouthy and called atkin a coward). The folks in charge decided no one had heard the comment (I heard it in the back of the court room, and hughes was right in front of the jury). Not a good thing for the jury to hear. (and not true)

Also, the public defenders convinced the defendant that he did not need to testify. No need, they had the case (won the case insinuated) because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on the meth heads chest to hold him back, as the meth head did stop but not retreat after the discharge. that kinda indicates no assault and no intimidation IMHO)

There's more, but this is enough for now. If you know a member of the jury from that trial, you might let 'em know how they were used to circumvent a second amendment right to self-defense.

(memorial quote from jackson during the trial ..."if I tell you a fact that is not a fact, that is ok" - I wonder how many of you support a recall petition for the county attorney ?)

(trial – this would have been Joshua’s opening statement, Public defenders nixed the reading by defendant)

My name is Joshua Ferren. I have a son, 18, and two daughters, 7 and 8. I am a roofer by trade. I have a GED education and I don't use big words. I do understand right from wrong and I did not break the law. Like you, I want to live in peace. I was offered a plea deal if I would plead guilty to crimes I did not commit.

If you knew what the State and the court will not allow you to know, this trial would be over in 5 minutes and you would call for the resignation of Debra Jackson and Ethan Atkin. That information will be available to you after this trial. I hope you believe in and uphold the Constitution and the Second Amendment. Regardless of what you have been told, you the jury are the authority here. You have the power to make a legal system a justice system.

You heard the argument... he came to a "fist-fight" with a gun, he should have stayed home ... (this incident occurred in a public roadway, and I was waiting for the MCSO to arrive and both and approached me in the roadway)

The court says I can't tell you about their extensive criminal history or the multitude of calls answered by the MCSO at that residence, some of which were violent incidents.

But I can tell you that I had personal knowledge of 's violent nature; I saw him fight with his brother-in-law, and as you heard on the bodycam video I knew he had put his girlfriend "in her place" just a couple of weeks prior to this event. I knew he had an altercation with his nephew that involved a machette. I knew of violent incidents at the residence.

I helped the victim of a crime at that residence.

And to reinforce my belief that did actually steal my ingot of silver, which I had made for my daughters, he had related to me an event where after a disagreement with someone that owed him money, he said that he stole their tool set.

Lightweight - 135 pounds () Vs Heavyweight - 200+ pounds ()

If you understand boxing, this sounds like a "mismatch" doesn't it.

So a warning shot was fired in self-defense

Do you think the I should have my teeth knocked out before I can defend himself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should I have let "put me in my place" the way he told me he had to put in her place. What should I allow an ex-convict to do to me that allows me to react with justifiable force in self-defense to the threat that expressed to me in the form of physical violence ?

Do you think that is what self-defense and the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself? Would you wait until your teeth were on the ground ?

Do you think Montana's self-defense right to use force laws mean bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense, your most important civil right. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill. In Ohio recently a court ruled on a self-defense case ...that the self-defense law in that state does not require an intent to harm or kill another, just the “intent to repel or escape force.” A headline in the Missoulian in 2012 reads... "officer fires warning shot ..." My intent was to repel or escape force.

As I said on the bodycam, I stopped a bear in his tracks.

I have the right , with a warning shot or a lethal shot, to respond to a threat of serious injury. I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I do have the right to use justifiable lethal force to stop you.

I feared serious bodily injury and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by () who was approaching me in a threatening manner, fists clenched, face contorted in rage. is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth.

did not even flinch when I fired the warning shot, but he stopped in his tracks.

And think about this... never cried out in fear, did not say "don't shoot me", did not call out for help, did not run back to his yard, and did not call the MCSO. He stopped in his tracks, stood 3 feet away and yelled angrily at me. We began to move out of the public roadway and back to our respective properties and waited for the MCSO deputy that I had called for to arrive.

I am the one that called the MCSO, (20) minutes before this happened. the 911 call 18:46 (6:46pm) deputy arrived at 19:04 (7:04) And I made that call sound urgent to get a quicker response rather than the usual slow response.

The State who was not present when the incident occurred, through it's agent county attorney Debra Jackson, says I have no right to self-defense. The County who did not investigate a theft and who was not present when the incident occurred, through it's agent deputy Ethan Atkin, says I have no right to self-defense. The State by its actions prosecuting the false allegations of the County has cost me at least $10,000 in bail money and lost wages due to the conditions of that release. Therefore, I ask the jury to find me not guilty on all charges and to award compensatory damages in the amount it sees fit, for associated costs incurred, and an additional amount for the mental anguish and stress associated with being the victim of this egregious prosecution and the false arrest based on a false depiction of the event that transpired , that has added a sense of chaos and uncertainty to my life.

Between criminals and mentally disturbed individuals in my neighborhood and a sheriff's department that may or may not answer a call or even just drive by and not stop, I am glad that I have the Second Amendment right to self-defense and that I can defend myself.

May 20, 2025 - > Case has gone to the jury. Jackson wants to go after me because her meth head/alcoholic witness (Paula Nicol) could not remember anything.

Second Amendment went down in flames as Jackson portrayed defendant as aggressor against 200lb ex convict. A lot of effort put into making criminals the victims. Seems a bit unnatural.

May 20, 2025 - > Interesting, the mineral county sheriffs office has blocked comments to all its postings ;>)

May 20, 2025 -> I feared serious bodily injury and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by () who was approaching me in a threatening manner, fists clenched, face contorted in rage. is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth.

did not even flinch when I fired the warning shot, but he stopped in his tracks.

And think about this... never cried out in fear, did not say "don't shoot me", did not call out for help, did not run back to his yard, and did not call the MCSO. He stopped in his tracks, stood 3 feet away and yelled angrily at me. We began to move out of the public roadway and back to our respective properties and waited for the MCSO deputy that I had called for to arrive.

I am the one that called the MCSO, (20) minutes before this happened. the 911 call 18:46 (6:46pm) deputy arrived at 19:04 (7:04) And I made that call sound urgent to get a quicker response rather than the usual slow response.

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Between criminals and mentally disturbed individuals in my neighborhood and a sheriff's department that may or may not answer a call or even just drive by and not stop, I am glad that I have the Second Amendment right to self-defense and that I can defend myself.

May 20, 2025 - > Lightweight - 135 pounds () Vs Heavyweight - 200+ pounds ()

If you understand boxing, this sounds like a "mismatch" doesn't it.

So a warning shot was fired in self-defense

Do you think the I should have my teeth knocked out before I can defend himself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should I have let "put me in my place" the way he told me he had to put in her place. What should I allow an ex-convict to do to me that allows me to react with justifiable force in self-defense to the threat that expressed to me in the form of physical violence ?

Do you think that is what self-defense and the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself? Would you wait until your teeth were on the ground ?

Do you think Montana's self-defense right to use force laws mean bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense, your most important civil right. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill. In Ohio recently a court ruled on a self-defense case ...that the self-defense law in that state does not require an intent to harm or kill another, just the “intent to repel or escape force.” A headline in the Missoulian in 2012 reads... "officer fires warning shot ..." My intent was to repel or escape force.

As I said on the bodycam, I stopped a bear in his tracks. I have the right , with a warning shot or a lethal shot, to respond to a threat of serious injury. I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I do have the right to use justifiable lethal force to stop you.

May 20, 2025 - > atkin demonstrated selective memory today, but there is more to the bodycam video than the cherry picked clips by jackson. Watch the videos AND review my notes.

Body_Cam_Ferren_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." ..."can't walk around with guns threatening people..." atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." ...NOTE at one point atkin says "you can't be shooting at people..."

BACK_SEAT_FERREN :30 atkin "you never said anything about that and you only said that after I put you in handcuffs" (defendants self defense explanation for weapon discharge/note atkin never interviewed the defendant about the incident before putting the defendant in handcuffs) atkin "don't approach him in the first place...

NOTE " atkin "your ground is not on his property..." [incident occurred in county roadway] --at one point atkin says "you can't be shooting at people..." and defendant replies that if he had been shooting at someone they would be in a body bag.

atkin_body_camera_Josh_Ferren_Assault_with_a_Weapon --

NOTE - [atkin put josh in cuffs before his incident interview of Joshua] 09:00/19:12 atkin reads joshua miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" joshua "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground"NOTE [2 mins after putting Josh in cuffs 19:12 - 19:14-- 10:55/19:14 --atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here"](later) 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " joshua: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs" atkin lets warren out of the car (to warren) "you told me you were in fear"-- atkin says "and humans don't shoot at other humans"

BACK_SEAT_FERREN :30

NOTE -- atkin "you never said anything about that and you only said that after I put you in handcuffs" (defendants self defense explanation for weapon discharge/note atkin never interviewed the defendant about the incident before putting the defendant in handcuffs)

atkin "don't approach him in the first place..." hughes "not to confront him and let us handle it" ... defendant " I stood out here in the roadway waiting for you guys to show up..." atkin "your ground is not on his property..." (11:37/19:27)--hughes "if you had just waited for us ..." defendant " .. did nothing about jay at the end of the block that physically assaulted me and I have video of it ..." " I was standing out in the road and she came up and confronted me, and then he came out and confronted me, in a threatening manner ..."defendant describes recent incident involving MCSO and victim1 beating victim2" (at one point atkin says you can't be shooting at people and defendant replies that if he had been shooting at someone they would be in a body bag. *atkin had noted the real bullet impact location that indicated the victim was lying to him when he showed atkin the first location and claimed defendant had shot at his feet and knew the defendant had not been shooting at cline) -defendant 19:49 "sorry, I am trying to push your buttons because I am so mad -33:33/19:49" (out of car at 20:07) (MCSO has been here 10 different times (13:10/19:29) ..."(MCSO) was there the other night, he (warren cline) fucking beat the shit out of his wife" ...(27:15-27:50/19:43) -->this statement by defendant shows defendant had prior knowledge of victim(1) 's violent nature--victim(1) showed up at defendants property a few days later and told defendant he had to "put his old lady in her place", victim(1) had visible signs of a fight (eye) "(you) are violating my civil rights" (the right to self-defense is a civil right.

NOTE: (great deal of emphasis by defendant on his belief in the threat of bodily injury and his right to prevent it) video ends for defendant transport at 51:35/20:07 ("scare-tactics" - intent of defendant NOTE - Joshua: "it stopped a bear in his tracks"). As noted on the bodycam video later, defendants intent was to "stop a bear in his tracks, and it did stop a bear in his tracks".

[jay kendall case -- Joshua had a previous incident involving atkin where Joshua called atkin a coward for not arresting jay] [there are probably 3 times that joshua called atkin a coward related to that incident, 2 of those were phone calls to atkin later after the event telling atkin that jay was at home and atkin could come arrest jay] (evidently jay had left the scene of the assault incident before atkin arrived at that incident).

trespass of deputy ethan atkin on defendant property date of

10-20-2024

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral

County deputy trespassed on the defendant's property, property posted NO

Trespassing, and with NO Warrant, and not in active pursuit of a criminal

[mca 45-6-203][State v. Lanchantin] Montana case law

warren cline 08/18/1967 height 6.0 weight 210 age 56 yrs old,

joshua ferren height 5'10" weight 130, age 41

These three Montana laws support self-defense and the firing of a "warning shot" as an act of self-defense..."...or serious bodily harm to the person or another"

45-3-111. Openly carrying weapon -- display -- exemption. (1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon.

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

Montana Stand your ground law -- No Duty To Summon Help Or Flee

45-3-110. No duty to summon help or flee. Except as provided in

45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.

45-3-103. Use of force in defense of occupied structure, MCA

45-3-104. Use of force in defense of other property, MCA

May 20, 2025 - > image #3119 and image #3120 ...are NOT where the weapon discharge bullet impacted as was indicated to atkin by cline,image #3121 is the shell casing, and KEY POINT images #3122 and #3123 are the actual bullet impact location (several feet away from and in the opposite direction of warren cline's physical location during the incident) this was noted and recognized by deputy atkin at the scene. AND is a KEY POINT that warren was lying from the start and continued to do so as he kept talking to Atkin.

Warren starts out lying (weapon discharge statements, then about his time being on the ferren property, and asserts that someone named "bubba" may have been the thief) and keeps lying as long as he is talking to atkin.

KEY POINT - warren shows atkin where he was standing and indicates bullet impact site, this is where he shot right here, next to my feet. Atkin looks at that takes a picture and says no this is not a bullet impact location. Atkin finds the bullet impact location on the other side of the road and takes a picture of that (pictures are taken in sequential order) -THIS validates Josh's statement that he shot the weapon behind him toward the ferren property and not toward the cline/est property. And it invalidates Cline's statements regarding the warning shot.

(re: the numbers - these are time stamps for the pertinent statement(s) on the video)

atkin_body_camera_Josh_Ferren_Assault_with_a_Weapon

atkin reads warren rights 1:30/19:05 warren-- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substaniate charges) warren "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I love him like a friend, he's a little drunk right now" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --warren is trying to say someone ? can't make out the name (bubba)? might be the thief - "this guy bubba..." "I gave him (josh) my bibs" 09:00/19:12 atkin reads joshua miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" joshua "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" [reference josh shooting gun at hillside behind house during those late night music serenades by the ests] "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " joshua: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs"[atkin never talked to josh about the weapon discharge until putting him in cuffs and only talked to josh after talking to warren][atkin noted today that he put josh in cuffs so that he would not shoot again/Hughes had taken Josh's handgun immediately upon the deputies arrival on scene/Josh was put in cuffs but not because he might shot the weapon again] joshua: "I'm not resisting arrest I am resisting unlawful arrest" when atkin lets warren out of the cruiser (to warren) "you told me you were in fear"

AGAIN KEY POINT ... when warren leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for paula-- paula: "I was standing right back here and then he shot the gun at 'em (at warren)" "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "warren was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/warren/paula look at camera to see if there are images of josh on the property)- KEY

POINT 30:28 paula: "and I was preaching about alcohol before and I'm drinking" "I quit drinking for 6 months and then I started again" - hughes says "he (Josh) didn't see him today (warren)" and earlier in the video conversation warren said he gave josh a spark plug that day - atkin "and humans don't shoot at other humans" (now this is rich coming from the guy that killed people in Iraq as a tank gunner) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41 [re: paula nicol drinking during incident - Joshua " I was just about back to our driveway when she came off chuck's porch. Yes she was drinking. Could smell it on her breath."][re warren saying he had no where to run to during todays testimony... there was an automobile parked in the driveway that he could have hidden behind that was within feet of the incident at that time, see the video, just say'in - warren lies like a rug]

May 20, 2025 - > Sooo, why do you think County Attorney Debra Jackson is feeding selective facts to a jury in order to protect the family of meth users that live in Cabin City ?

May 16, 2025 ->Show up May 19th Superior and show your support for the Second Amendment right to self-defense

Debra Jackson

[refer to recent motion(s) regarding potential jury tampering and her attempt to retaliate against X by proposing revoking the bond of X and incarceration of X for social media disclosures about this case]

1->note that the judge in this case issued a strong rebuke to her in that attempt

2->note that she was flailing and defensive in her attempt at retaliation, because of the revelations about this case and of the connections to the #1's family pending criminal case.

3->note that she dodged a bullet in the decision on the motion to dismiss for failure to provide exculpatory evidence

...her ego will not let her find an exit ramp, and defending a residence of meth heads, while supporting charges against the second amendment right of self-defense will not play well in Mineral County, it's a no-win situation for her without that exit ramp.

Lets not forget her FU to PD1 -> [No, you can transfer the discovery to her. This is very time consuming and I did this as a courtesy. We have sent this discovery out numerous times. So, I would suggest you transfer the information or download it yourself. I sent it to you myself to verify you received it. It also went to and , maybe they can assist you.]

re: 1&2-> [However, the right to an impartial jury is a right constitutionally and statutorily accorded to the accused, not the State. Although the State may move for a change of venue, the prejudice enunciated for the change must be prejudice to the defendant.]

[Revocation of Defendant's Release

Even assuming Defendant is directly responsible for the subject Facebook posts, the State has not identified a specific condition of release Defendant violated with such posts. Justice Court imposed various conditions of release for Defendant (Dkt #4). None of those conditions of release address refraining from social media posting or otherwise commenting on the pending charges.] [As the

State notes, Defendant has a right to free speech and may be exercising that right to criticize the case, the prosecutor and even the Court.]

re: 3-> [The Court finds the State did not act in bad faith, and admonishes the State.

The Court advises in their review, they have discovered a link provided to OPD could have been shared with Counsel, and is not an instance of bad faith from the State.

The Court advises if we were in early January, there would be a situation where dismissal is necessary, however, that information has now been provided, and there now very little prejudice against the Defendant.]

May 16, 2025 - > 2A trial Monday May 19th Superior -- Deputy Atkin #54-4

Body_Cam_X_Axon_Body_3_Video_2024-08-11_1904_X60AB068V -- atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." ..."can't walk around with guns threatening people..." atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." ...at one point atkin says "you can't be shooting at people..."

[no one was threatening people or shooting at people, is atkin doing drugs ?]

BACK_SEAT_X :30 atkin "you never said anything about that and you only said that after I put you in handcuffs" (Xs self defense explanation for weapon discharge/note atkin never interviewed X about the incident before putting X in handcuffs) atkin "don't approach him in the first place..." atkin "your ground is not on his property..."[a county roadway is not #1s property just to clarify] (at one point atkin says "you can't be shooting at people..." and X replies that if he had been shooting at someone they would be in a body bag.

Motion and Affidavit for leave to file an Information 9/6/2024 --"deputy atkin explained he cannot use a firearm as intimidation factor"

atkin_body_camera_X_Ferren_Assault_with_a_Weapon --09:00/19:12 atkin reads X miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" X"scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" (later) 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " X: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs" atkin lets #1 out of the car (to #1) "you told me you were in fear"-- atkin "and humans don't shoot at other humans"

45-3-112. Investigation of alleged offense involving claim of justifiable use of force. When an investigation is conducted by a peace officer of an incident that appears to have or is alleged to have involved justifiable use of force, the investigation must be conducted so as to disclose all evidence, including testimony concerning the alleged offense and that might support the apparent or alleged justifiable use of force.[defendants testimony of weapon discharge and reason willfully omitted from deputy atkin arresting documents; bodycam video retains the record of that testimony]

rim_condensed_print_ea--(atkin 54-4) I had previous dealings with X in which he was always carrying a firearm, and frequently intoxicated. X was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music. [one wonders why no one was charged with disturbing the peace when working folks had to get up at 4am to drive 2-3 hrs to work site and "intoxicated" may just mean "drinking"... lots of good opinionated hearsay in the deputies report]

Mantra to jury:

[if he (atkin) will lie about this, what else would he lie about ?]...during my argument I'd tell the jurors to use their common sense. If someone lied under oath to them, how can they believe anything this witness says. “The prosecution is going to tell you that you can believe the witness because the lie is one about a small detail.“ I would go on to say, “Regardless if it was a small detail or not, the witness violated his oath to tell the truth. He disregarded that oath and lied to you, and was caught. How in God's name could you trust any words coming out of his/her mouth?”

[XX case -- X had a previous incident involving atkin where X called atkin a coward for not arresting XX] [probably 3 times total related to that incident, and 2 of those were phone calls, where X called atkin a coward for not arresting XX]

Atkin's military career was a lot about control over the Iraqi population and he may be anti-2nd amendment when it comes to the "civilian" population ..."I had previous dealings with X in which he was always carrying a firearm, ..."

May 16, 2025 -> Show UP and Show support for the Second Amendment, Monday May 19th Superior

Body_Cam_X_Axon_Body_3_Video_2024-08-11_1904_X60AB068V -- video - hughes #54-5 (hughes says atkin is trying to find silver -- atkin was looking for video on #1's camera to see if X had been on their property, was not looking for the stolen items) "if you had just waited for us" hughes 19:28, hughes on radio "he's intoxicated" 19:43)

BACK_SEAT_X --hughes "not to confront him and let us handle it" hughes "if you had just waited for us ..." hughes offers to transport Joshua to jail to "keep him away from you (atkin)" ... my opinion that the long wait to unload the prisoner at the jail was when atkin and hughes decided how they were going to write up the incident....X: 19:49 "sorry, I am trying to push your buttons because I am so mad" -33:33/19:49 [mad after having his stuff stolen and then he was the one arrested for defending himself]

45-3-112. Investigation of alleged offense involving claim of justifiable use of force. When an investigation is conducted by a peace officer of an incident that appears to have or is alleged to have involved justifiable use of force, the investigation must be conducted so as to disclose all evidence, including testimony concerning the alleged offense and that might support the apparent or alleged justifiable use of force.[X's testimony of weapon discharge and reason willfully omitted from deputy atkin arresting documents; bodycam video retains the record of that testimony]

Body_Cam_X_Axon_Body_3_Video_2024-08-11_1904_X60AB068V

[19:12:49, everything X says to deputy hughes prior to that point in time is inadmissable because he had not been read his miranda rights.]

May 16, 2025 - > Second Amendment self-defense case May 19th Superior

Why are we here ?

Things to keep in mind before you go to trial.

#1, #2, and the rest of the family () are lawbreakers, some more criminal than the others.

"the whole family was doing meth, and I was tired of getting busted for smoking pot", #1 family member (when #1 family returned to Mineral County/Cabin City from Hibbing MN)

1 --Why are we here ? -> X called 911/Mineral County Sheriffs Office

2 -> Deputy Atkin responded to that call and built a case against X. [both parties strongly dislike each other, one has the power to put the other in jail] ...and is a Brady Deputy

[rim_condensed_print_ea--(atkin 54-4) I had previous dealings with X in which he was always carrying a firearm, and frequently intoxicated (drinking). X was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music.][X called atkin a coward at least twice and he took it personally]

3-> Debra Jackson saw an easy case based on the report submitted to her by atkin; she expected no "push back" against her "version of the facts" and her "authority".

*Believes she is the law, and is a knowing player in atkins plan for payback.

...it is my humble opinion that this incident fell in his (atkin's) lap and he took advantage of the situation.

4 ->and the bit players in this drama ... #1, #2, deputy hughes

#1 - thief, #2 - alcoholic, hughes - backup support/buddy system

5->#1/#2 do not want to be a part of this event, for good reason, and are testifying

under order of subpoena (there is a written/signed statement to that effect) ,

if X had not called MCSO, this trial would not be occurring.

Mantra for jury -- [If he/she lied about this, what else are they lying about ?]

[X is a potential witness in the #1 family's pending criminal case, having helped one of the victims escape by taking her to Missoula Poverello]

May 16, 2025 - > 2A trial Monday Superior -->states witness #1 - burglar, beats women, drug user

#1 starts out lying (weapon discharge statements, then about his time on X's property, and asserts that someone named "bubba" may have been the thief)... a low budget criminal and likely the cause of the increase in anti-social behavior at the #1 family's residence since he arrived in 2020.

[45-7-205. False reports to peace officers --45-7-205. False reports to peace officers. (1) A person commits an offense under this section if the person knowingly:

(a) gives false information to any peace officer with the purpose to implicate another;

(b) reports to a peace officer an offense or other incident within the officer's concern knowing that it did not occur; or

(2) A person convicted under this section shall:

(b) if the crime falsely reported was a felony, be sentenced to not more than 4 years in the state prison or fined not more than $10,000, or both.]

atkin_body_camera_X_Assault_with_a_Weapon

atkin reads #1 rights 1:30/19:05 #1 -- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substaniate charges) #1 "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I love him like a friend, he's a little drunk right now" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --#1 is trying to say someone ? can't make out the name (bubba)? might be the thief - "this guy bubba..." "I gave him (X) my bibs" 09:00/19:12 atkin reads X miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" X "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" [reference X shooting gun at hillside behind house during those late night music serenades by the #1 & family] "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " X "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in cuffs" X"I'm not resisting arrest I am resisting unlawful arrest" atkin lets #1 out of the car (atkin to #1) "you told me you were in fear" ... #1 leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for #2-- #2 : "I was standing right back here and then he shot the gun at 'em (at #1)" "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "#1 was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/#1/#2 look at camera to see if there are images of X on the property)(#1 and #2 live in an attachment to the trailer () at , close enough to hear and know of the incidents related to charges against #1 family member - a travel trailer with a shed built over it, 30:28 #2: "and I was preaching about alcohol before and I'm drinking" "I quit drinking for 6 months and then I started again" - hughes says "he didn't see him today (#1)" and earlier in the conversation #1 said he gave X a spark plug that day ? - atkins "and humans don't shoot at other humans" (strange statement what with atkin knowing no one shot at anyone that day) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41 [re: #2 drinking during incident - X: " I was just about back to the driveway when she came off #1 family porch. Yes she was drinking. Could smell it on her breath."]

May 15, 2025 - > You might find this report interesting, esp. just past page 17 , POST Integrity summaries (law enforcement) ... (archive.legmt.gov)

May 8, 2025 - > Second Amendment Call to Action

2A Case Mineral County District Court Superior Montana May 19th 9am

Defendant loses ? and meth heads win ?

This case could mean that You lose your right to self-defense.

Show up and show support for the Second Amendment.

April 26, 2025 - > brief summary of incident: defendant has items stolen (aug 2024), suspects meth heads that live across the road, calls 911/MCSO to report theft, MCSO deputies atkin/hughes arrive, atkin takes statements from meth heads (victim1/victim2), defendant is arrested, meth heads rejoice - laugh and party, defendant goes to jail, spends a week in jail, borrows $5000 for bail, goes home back to work and tending to his dogs (and thanks family friends who have cared for the dogs -- *which atkin/hughes would not feed and water and left locked in defendant's house)

[The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

There is another case now ongoing that is relevant [DC-31-2025-0000007-IN State of Montana vs. William Est] And Is the *"family" across the street from defendant, which includes victim1 and victim2. [defendant is actually a witness regards events/one of the victims in that case]

*[a history of fights in the yard, domestic partner violence, chasing each other with a machete, a stabbing onsite, an overdose onsite, and in the case referenced above: assault, kidnapping, stalking, sex w/o consent]

Body_Cam_defendant_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --video - hughes #54-5 >....atkin - "I don't have enough to get a warrant...""been out here multiple times with you shooting weapons..." (no mention of the (victim's family) shooting of weapons across the county road, MCSO responded to that incident)..."can't walk around with guns threatening people..." (600 gram silver ingot, 500 grams = $614 value) (defendant frustration with multiple requests to MCSO to deal with neighbor problems and no resolution) defendant - "atkin has been here (XXXX) on (10) different occassions" - defendant requests victim1 be arrested for assault for coming at him in a threatening manner, attempted assault -- (hughes says atkin is trying to find silver -- atkin was looking for video on victim1's camera to see if defendant had been on their property, was not looking for the stolen item) atkin - regarding stolen items - "we don't have probable cause or reasonable suspicion, we don't have any of that..." (atkin declined to care for the animals in the residence 19:40) *note that defendant was in county road, approached by female victim, and then approached by male victim-- all parties were in county road - defendant says he went to county road to determine if victims automobile was at home --re defendant being told if he had stayed home as he was told "if you had just waited for us" hughes 19:28, hughes on radio "he's intoxicated" 19:43)

<the term “victim” is misused here, they certainly were not victims, use “complaining witnesses”

re: miranda: atkin took advantage of defendant trying to talk his way out of the arrest, defendant was in shock from being arrested while criminal was not arrested and defendant had animals to care for and work the next day. Defendant brings up a valid question, due to the multiple times MCSO was at victim's residence, why was no one there ever arrested ? Note that defendant says 911 call was made to sound like an emergency situation because "MCSO either arrives hours later or not at all" (see video of MCSO drive by/no stop/ after call)

Is atkin on medication ? (ptsd from military service ?)...at one point atkin says "you can't be shooting at people" (and he knows defendant was not shooting at anyone).

trespass of deputy ethan atkin on defendant property date of 10-20-2024

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral

County deputy trespassed on the defendant's property, a closed and locked gate,

property posted NO Trespassing, and with NO Warrant, and not in active pursuit of

a criminal -- [mca 45-6-203][State v. Lanchantin] Montana case law

BACK_SEAT_defendant :30 atkin "you never said anything about that and you only said that after I put you in handcuffs" (defendants self defense explanation for weapon discharge/note atkin never interviewed the defendant about the incident before putting the defendant in handcuffs) atkin "don't approach him in the first place..." hughes "not to confront him and let us handle it" ... defendant " I stood out here in the roadway waiting for you guys to show up..." atkin "your ground is not on his property..." (defendant was in county road) ...what was the previous incident/incidents between defendant and deputy atkin defendant refers to ??? (assault case where another neighbor slapped defendant and defendant requested atkin arrest that person for assault, atkin said on two different calls made to atkin by defendant - "waiting for a warrant" -- almost a year later, defendant receives notification of a court hearing involving that assault incident (april 2024)) [during those calls to atkin regarding the assault, defendant said to atkin if you are afraid to arrest him, deputize me] *if defendant was intoxicated he would not have been able to rearrange his position in back of police vehicle, and secure the seatbelt (11:37/19:27)--hughes "if you had just waited for us ..." defendant --" ..(atkin) did nothing about XXX at the end of the block that physically assaulted me and I have video of it ..." " I was standing out in the road and she came up and confronted me, and then he came out and confronted me, in a threatening manner ..."defendant describes recent incident involving MCSO and victim1 beating victim2" (at one point atkin says you can't be shooting at people and defendant replies that if he had been shooting at someone they would be in a body bag. *atkin had noted the real bullet impact location that indicated the victim was lying to him when he showed atkin the first location and claimed defendant had shot at his feet, atkin knew defendant was not shooting at victim1) -defendant 19:49 "sorry, I am trying to push your buttons because I am so mad -33:33/19:49" (out of car at 20:07) (MCSO has been here 10 different times (13:10/19:29) ..."(MCSO) was there the other night, he (victim1) f***** beat the shit out of his wife" ...(27:15-27:50/19:43) -->this statement by defendant shows defendant had prior knowledge of victim(1) 's violent nature-- victim(1) showed up at defendants property a few days later and told defendant he had to "put his old lady in her place", victim(1) had visible signs of a fight (eye) "(you) are violating my civil rights" --Is the Second Amendment a civil liberty or a civil right? And over the past two decades, the Supreme Court has recognized that the Second Amendment is a fundamental, individual constitutional right and has taken multiple opportunities to strengthen Second Amendment protections for ordinary, law-abiding citizens. (the right to self-defense is a civil right)"Self-defense, the “first civil right,” continues to be among criminal law’s most controversial, enduring , and intuitively understood topics.[1]"...the long-simmering national debate about where the state’s monopoly on force should end and the individual’s right to rely on self-preferential force should begin. (great deal of emphasis by defendant on his belief in the threat of bodily injury and his right to prevent it) video ends for defendant transport at 51:35/20:07 ("scare-tactics" - intent of defendant "it stopped a bear in his tracks" Vs atkin - assault/intimidation ...and portrayed along this line -- "dance boy dance, give me my shit back"

Affidavit of Probable Cause, ethan atkin deputy

a misleading narrative; not exactly factual (examples: re: fired a pistol round ... in the ground near his neighbor victim1...defendant approaching neighbors, resisting arrest)

Remand Form, ethan atkin deputy

--> Is the prisoner under the influence of alcohol or drugs -- indicated - "yes", which is false

--> "aggressive to law enforcement" -- noted - which is false, no evidence of aggression

9-1-1 call

"get here before I flip the fuck out...", defendant says he makes call sound urgent to get quicker response

throughout the arrest report and even as noted by hughes on the radio to dispatch "he's intoxicated"-- the implication by atkin and hughes is that the defendant was impaired by alcohol. [defendant was not charged with intoxification, but was kept in the drunk cell, which had feces smeared on the walls, defendant complained loudly]

Information 9/6/2024

Document contains multiple errors of fact as to event that actually transpired.

Motion and Affidavit for leave to file an Information 9/6/2024

(same errors of fact as Information document)

"victim1 said defendant shot his weapon at the ground right next to him." (false statement by victim1)

LE can recommend but they cannot "instruct", defendant was in the county road when approached by victim(2) , defendant did not approach either victim(1) or victim (2)

"deputy atkin explained he (defendant) cannot use a firearm as intimidation factor"

"victim1 took the officers to where he was when defendant discharged his weapon" (which was identified as NOT the bullet impact location, which indicates most plainly that victim1 was lying)

(victim2's statement would indicate that she was at a different incident; she did state to atkin that she was drinking at the time and is a "recovering alcoholic")

Booking_1 video

defendant still extremely mad. Tells atkin he should resign. extremely bad audio

breathanalyzer test 23:00/20:31 - 26:40 -- problems with analyzer/ breathing/errors

defendant asks for working breathanalyzer, and food, and asks for lawyer before he will answer any questions. [jail videos reflect defendants rage at having his stuff stolen and being in jail while the suspect remained free to steal more of defendant's property]

re: rim_condensed -- did anyone notice that atkin spent minimal time with defendant gathering information on the incident and what had occurred, but headed straight to warren cline for his information atkin_body_camera_defendant_Assault_with_a_Weapon

atkin reads victim1 rights 1:30/19:05 victim1 -- "he's out here shooting at me, right next to me, there's a bullet hole there in the ground" "next to where I was standing, 3 feet away" (which as we can see from the actual bullet impact location indicates that he is lying) atkin "how did that make you feel" (atkin looking for wording to substaniate charges) victim1 "bought some parts from him, that's the only time I have been over there" "been over there about 3 times this week" "been in his house, it was a long time ago, about 3 weeks" "I love him like a friend, he's a little drunk right now" "I keep a pretty close eye on his place when I am at home" "he tried coming at my old lady" how close were you "like you and me, 2 - 3 feet away" 5:50 "? lives up here has a camp or something" "delivered my firewood to me" --victim1 is trying to say someone ? can't make out the name ? might be the thief (deflection) "this guy bubba..." "I gave him my bibs" 09:00/19:12 atkin reads defendant miranda rights atkin "do you want to talk to me?" "tell me about the gunshot" defendant "scare tactics" "he was walking up to me aggressively and I pulled my gun and shot in the ground" 10:55/19:14 atkin:"right now you are under arrest for assault with a weapon" "we are kinda done here" 11:30 "you can't walk around with guns threatening people" "that's why we have courts and you can talk to the judge about it" "there's been multiple times we have been out here with you shooting guns in a way to intimidate people" "and we have escalated to the point (can't hear the rest of that)" "you just told me it was a scare tactic " defendant: "yeah, to keep the big motherf** at bay" "if someone is walking at me in a threatening manner, I am not allowed to defend myself ?" atkin" "you never said anything about that and you only said that after I put you in ? cuffs" defendant: "I'm not resisting arrest I am resisting unlawful arrest" atkin lets victim1 out of the car (to victim1) "you told me you were in fear" victim1 claims XXX residence is his property ? victim1 leads atkin to where he was standing and indicates bullet impact "right there" atkin realizes that is not the bullet impact location and marks the actual bullet impact location --atkin sends for victim2-- victim2: "I was standing right back here and then he shot the gun at 'em (at victim1)" "this guy come walking up the road and I'm like are you ok? " "we didn't steal nothing from you dude" "victim1 was talking to him all calm and mellow" "I was in his house 4th of july, that was a long time ago" "someone was in our house" "he might have been trying to get in" (atkin/victim1/victim2 look at camera to see if there are images of defendant on the property)(victim1 and victim2 live in an attachment to the trailer (XXX) at XXXX, close enough to hear and know of the incidents related to charges against victim1s nephew - a travel trailer with a shed built over it, what pays for the harley and the jeep ?) 30:28 victim2: "and I was preaching about alcohol before and I'm drinking" "I quit drinking for 6 months and then I started again" (no images of defendant on XXXX property) hughes says "he didn't see him today (victim1)" and earlier in the conversation victim1 said he gave defendant a spark plug that day ? atkins "and humans don't shoot at other humans" (now this is odd coming from the guy that killed humans during his military duty) atkin: "we don't have probable cause, reasonable suspicion any of that" "I have to go off of what I know" "you want us to take care of your dogs ? ok we're done" ending camera 19:41

at one point in the conversation deputy hughes says he does not know the defendant, but later remarks to atkin that he knows the defendants dogs are aggressive... ?...now how would he have come to that conclusion ... because the dogs were not present during the incident being inside the defendants home and not in the yard.

If the victim is caught lying in their testimony to the police for an assault charge, how does this affect their credibility for trial?

In a criminal case, the state is the plaintiff. The so called victim is called the complaining witness. That’s because it’s the state’s case, not the complaining witness’.

"During cross examination I will stand at the far end of the jury box, about 30 feet away from the witness stand. I did this so the witness has to talk loud and directly to the jury. When I got an answer that helped the defense I’d say “I’m sorry I didn’t hear that. Could you repeat that answer louder?” Now the jury has heard it twice, and loud. I used the same technique when I caught a witness in a lie. Usually, the testimony at trial didn’t compare with the police reports in which his contradictory statement was memorialized by the police. Once I caught the witness in a lie, and had him/her repeat it, I left it alone… until closing arguments. If the lie was about a small detail, I knew the prosecution was going to use that reason for the jury to believe a liar. So, during my argument I’d tell the jurors to use their common sense. If someone lied under oath to them, how can they believe anything this witness says. “The prosecution is going to tell you that you can believe the witness because the lie is one about a small detail.“ I would go on to say, “Regardless if it was a small detail or not, the witness violated his oath to tell the truth. He disregarded that oath and lied to you, and was caught. How in God’s name could you trust any words coming out of his/her mouth?” "

> **[warren cline lied about the weapon discharge, what else did he lie about ?]**

> Fabricating evidence against or falsely arresting an individual also violates the color of law statute, taking away the person’s rights of due process and unreasonable seizure. In the case of deprivation of property, the color of law statute would be violated by unlawfully obtaining or maintaining a person’s property, which oversteps or misapplies the official’s authority.

> So yes, there is a lot you can do despite the answers showing otherwise. There are plenty of successful examples of Police Officers being prosecuted by the Justice Department for false arrests/falsifying evidence:

> Three Former Biscayne Park Patrol Officers Sentenced for Deprivation of Civil Rights by Intentionally Making False Arrests

> Police Officer Convicted of Wrongful Arrest

> Former Kentucky Police Officer Sentenced for Wrongful Arrest

I can go on all day with the examples, but you get the point. You have Civil Rights which past generations fought hard for, use them.

Conclusion of review: deputy atkin created a crime where none existed and failed to investigate the actual crime. Atkin allowed his ego (defendant had called him a coward on a previous incident) to override his legitimate purpose which is to investigate a crime and to recognize who the criminal is, that's law enforcement 101. Payback is not acceptable, respect is earned by actions both past and present. **Recommendation: deputy Atkin should resign** [as a former deputy of Missoula County officer atkin is familiar with the Missoula Police Dept. policy manual, Code of Ethics]

County attorney Jackson's job performance should be measured based on quality and not quantity. Her job is to see that state laws are properly applied and that constitutional rights are protected. In this case, she has denied both the 2nd amendment and with her motion against me the 1st amendment. Under her watch, a wrongful arrest has occurred and a lower degree criminal element over time has worsened their anti-social behaviors to harmful actions. The people of Mineral County should expect and require better from county attorney Jackson. **Recommendation: County Attorney Jackson should resign** [WRITTEN OATH OF ADMISSION TO THE BAR OF THE STATE OF MONTANA I do affirrn: I will support the Constitution of the United States and the Constitution of the State of Montana;...] [37-61-207. Oath. Every person on admission shall take an oath to support the Constitution of the United States and The Constitution of the State of Montana and to faithfully discharge the duties of an attorney with fidelity to the best of the person's knowledge and ability.]

< **Does anyone actually review the bodycam videos ? Jackson ? Atkin/Hughes/PD's ???** >

April 20, 2025 - > Kinda mind-blowing ...

[2A - The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

[The Case: [DC-31-2025-0000007-IN State of Montana vs. William Adrian Est]

Interesting connection here... the defendant in the 2A case is technically a witness in the 2nd case. (excerpts of conversation regarding one of the victims in the 2nd case)

> do you remember something about the ..... being stabbed by his girlfriend ? probably in the last year, ... said she was in the mineral county jail and I don't see any news reports about the incident

< **Joshua Ferren** > Yes, the girl was getting beat by the ..... and she had enough and stabbed him. Tried to kill him from what I gather. That must've been somewhere around June or just before. After spring, this year (2024)

I did not see her when I was in jail, the female cell was right across from mine, and I never saw her.

> didn't see anything on the sheriffs office FB page about the stabbing

It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it.

Apparently she stayed at the shelter and .... picked her back up and brought her back to his house where the boy beat her again.

I saw her sitting in the road in between .... place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the .... . I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.

I imagine she didn't. Helped her drag her suitcase into the shelter and told her good luck and left.

No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know, I just felt bad seeing her crying in the damn road.

April 15, 2025 - > 2A case, May 2025 -> > >If you have been following this case, this will be an update and intro for those that have not (search for my previous posts if you want to catch up and get some of the backstory). What is happening in this case is the victim of a theft, who exercised his right to self-defense against an ex-convict known to him to be violent and to use drugs, then became a defendant, costing him thousands of dollars, and who is now facing up to (30) years, on charges being brought by the State (county attorney Debra Jackson). In this upside down case, the alleged "victims", are two individuals with extensive criminal backgrounds and drug histories, meth heads who have become protected by the State, while it denies defendant's self-defense rights, the constitutional right and those state laws in place to protect your right to self-defense. The Second Amendment case is set for trial May 19th, 2025. [The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

The players: --Debra Jackson, County Attorney, from California, owns Hidden Valley Ranch, valued at $900k for tax purposes, probably real value of closer to $1.5 million, if it were for sale --Ethan Atkin, county deputy, came to Mineral County in 2020, worked (2) years for Missoula County before that.

--Victim 1, [Warren Cline] from Crook County, Oregon ([violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violationation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id])

--Victim 2, [Paula Nicol] from Crook County Oregon (girlfriend, [Charges/Offenses --violation of basic rule | violating the basic speed rule | parole violation. | parole violation. dws felony | viol ignition interlock device installation condition | criminal driving while suspended or revoked | assault 4th deg - 4- domestic abuse | failure to appear 2nd deg | failure to appear in the second degree | driving uninsured | disorderly conduct in the second degree | disorderly conduct | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | drive under influence intox | parole violation. | probation violation | sanc probation sanction | exceed maximum speed | criminal mischief in the second degree | careless driving|Unlawful Possession of Methamphetamine 475.894(2)(a)Misdemeanor Class A 08/29/2019].)

And not implicated in this 2A case, though there is another case now ongoing that is relevant [DC-31-2025-0000007-IN State of Montana vs. William Est] -- Victim 1's brother-in-law, Victim 1's sister, Victim 1's nephew. The connection is that all (5) of these individuals live on and share the same property, an address which has an extensive history of criminal activity; from the minor infractions to the more recent case of sex without consent, kidnapping, assault, stalking and maybe more charges since the last time I checked. From playing loud music late at night, to shooting guns across a county road, to fights in the yard with each other, to partner assaults between victim 1 and victim 2, to the nephew chasing victim 1 with a machete, to a stabbing of the nephew by one of the girls brought to the property, to the overdose of another girl that also happened on the property. Due to their close proximity to the events of the most recent criminal case involving this address, one does have to wonder why all (5) of these individuals are not charged in that case, that's including victim 1 and victim 2.

As has been noted, until recently, the MCSO deputies would show up at this location many times, but no one would get charged or go to jail. Speculation has been that the members of this family are used as CIs by MCSO and/or the Drug Task Force. And has it occurred to anyone that IF the county attorney and MCSO had been doing their jobs, a young woman would not be the victim of rape, and another would not have overdosed at this address. It is possible that the case at this location had its foundation in the overdose incident (unknown), but if that's true, did the county attorney and MCSO drag their feet long enough for another girl to become a victim too ? As the 2A defendant notes on the bodycam video, "if you had been doing your job, we would not be in this situation".

Here's what happened: Defendant notes missing items, calls 911 to request sheriffs response to theft, (says he makes 911 call sound urgent because "they either don't respond or they just show up later and drive by, there is actually a video of the MCSO doing just that)), goes out of his driveway to county road to make sure suspects vehicle is at home, victim 2 (girlfriend) approaches defendant in county road and an argument occurs over the theft, victim 1 enters the county road and approaches the defendant in a threatening manner (intent), defendant fires a warning shot from his handgun, behind him into a safe location, victim 1 stops his intended assault, stands in the road and yells at the defendant. As noted on the bodycam video later, defendants intent was to "stop a bear in his tracks, and it did stop a bear in his tracks".

Lets discuss "warning shot" Vs lethal force, center mass, shoot to kill. There is a misconception that a warning shot is not a valid self-defense action. Recent court cases have said otherwise, because the intent of self-defense is to stop or deter serious bodily harm. And a warning shot meets that intent. A little research shows that it is a recommended procedure by the department of justice and the international association of police chiefs, when it is safe to do so and will avoid the need to use lethal force. In 2012, the Missoulian headline on an article reads ... "deputy fires warning shot ..." A warning shot was fired, it was fired as justifiable use of force to deter or prevent serious bodily harm.

Why is it important to this case ? When deputy atkin arrived he shunted the defendant to deputy hughes, spent no time getting the facts from the defendant of the events that had occurred, and began interviewing victim 1. Victim 1 took atkin to a spot in the road and said "this is where I was standing, this is where he shot, right at my feet". Deputy atkin noted that it was not a bullet impact location in the roadway, located the legitimate bullet impact location, and continued his interview of victim 1. Point being - Victim 1 started the interview/investigation by lying and that should have been a red-flag to deputy atkin. [45-7-205. False reports to peace officers] Atkin singularly focused on the weapon discharge and began gathering support for his intention to charge the defendant from statements of victim 1 and later victim 2. There will be more on those statements (victim 1, victim 2, deputy atkin, deputy hughes) later as I give some analysis of the bodycam videos and the dialogue that were part of this interview process by deputy atkin. (interview Vs investigation) It's my opinion that deputy atkin is not stupid and was aware that he was being lied to by victim1, but he proceeded anyway to gather what he wanted to justify the arrest and charges against the defendant.

My intent is to show you where and how the County Attorney is attempting to spin the narrative to support the charges she has brought against the defendant. My effort is to see that the real victim here, the defendant - the victim of theft and the victim of the MCSO and County Attorney Jackson - gets some help against an abuse of the legal system and a wrongful arrest based on absurd charges.

March 30, 2025 - > As I mentioned before there would be more news coming regarding the 2nd Amendment case and the alleged victim(s) in that case ; since the news here is now public information.... a related case has a hearing in April in Mineral County. Related in the fact that the "victims" from the Second Amendment self-defense case live at the same residence address.

As it turned out it was not going to be a sex trafficking charge (that might have been the case if the victims age was under (18), or maybe the source was just told that would be the charge)

Charge Summary DC-31-2025-0000007-IN State of Montana vs. William Est

Sel Charge Count Statute Plea Disposition Charging Document License Alerts

1 1 45-5-213 : FEL-Assault With Weapon

2 2 45-5-303 : FEL-Aggravated Kidnapping

3 3 45-5-503(1) : FEL-Sexual Intercourse Without Consent

4 4 45-5-220 [FEL] [1st] : FEL-Stalking When Order of Protection in Place - 1st Offense - Felony

My apology to the AG (see below) btw, there may be more coming on the case noted above that like the stabbing at that residence never made the news. We will watch for that.

>>>re: Austin Knudsen Attorney General: President Trump Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans

Mar 23 at 3:45 PM

Glenn Ferren <gferren@yahoo.com>

To: contactdoj@mt.gov

I have not yet received a reply to this previous email. (see below)

The Second Amendment and the right to self-defense are important issues to the Montanans you serve.

Note that since the original email I sent to you on Feb 24, 2025; a new case has been filed (related) that involves the "victim" family - and one of the charges will be sex-trafficking.

It is not a good "look" for the State to be opposing the right to self-defense by a defendant, while at the same time defending criminals as "victims".

The State failed to discover the extensive criminal record of its "victim"s before bringing charges in the Second Amendment case.

And the "victim"s have recently stated they will not witness for the State.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County

I look forward to your review of this case and your reply.

Glenn Ferren

(email constitutes an official record, and the record of this communication has been made public)

<Knudsen is technically Debra Jackson's boss, even though hers is an elected position>

>>>Austin Knudsen Attorney General: President Trump Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans

Feb 24 at 2:20 PM

Glenn Ferren <gferren@yahoo.com>

To: contactdoj@mt.gov

"Today, the White House announced a new Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans. This is the first action taken by President Donald J. Trump to carry through on his promise to restore the full protections of the Right to Keep and Bear Arms for the American people.

President Trump has gone further than simply moving towards eliminating the anti-gun actions of the last administration. The order further requires the Attorney General to take an all-of-government review to further enhance firearm rights by addressing the litigation position of the United States in any case impacting the Second Amendment, ..."

In light of the President's action at the federal level, I am curious as to how the state of Montana will implement the direction of this executive order at the state level.

In Mineral County Montana a trial date is set for March 2025 in a Second Amendment case where the Defendant pleads the right to self-defense.

In this case the State of Montana is defending (2) career criminals, elevating them to the status of "victims".

The Defendant sought to defend himself against severe bodily injury from the ex-convict who approached him in an aggressive manner.

This case would benefit from an extensive review by the Attorney General and a correction of the state's prosecution in the matter via the Mineral County Attorney .

When criminals laugh because they get to be "victims", it defeats the purpose of laws and disdains all law-abiding citizens.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County

...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

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Glenn Ferren

(case is now 5/19/2025) (pay attention to the court cases coming up in April , one of those will definitely get your attention, it's connected.)

March 17, 2025 - > Consider me to be a concerned citizen exercising his first amendment right to free speech...

Review/reply :MOTION ON POTENTIAL JURY POOL TAMPERING

The Sixth Amendment of the Bill of Right guarantees, among other things, a defendant's right to a trial "by an impartial jury" and a trial in "the State and district wherein the crime shall have been committed."

>-- withholding evidence from the jury does not creat an "impartial jury", but it does create an "uninformed jury"

>-- facts do matter, withholding facts/evidence regarding the credibility and honesty and threat level of the "victim/witnesses" creates a bias against the right to a fair trial of the self-defense claim.

>--btw, defendant name is misspelled, but errors are common in this county attorney's submittals.

These posts taint the credibility of the State and the Court which has tainted this jury pool.

-->these posts question by presenting true facts the credibility of the County Attorney -- as is evidenced by the presentation of the real facts in the case Vs the false narrative version of the facts presented by the County Attorney. And by presentation of the omitted real facts that do counter the "spin" narrative of the county attorney to make the victim the criminal and to make the criminal the victim. If the State has a righteous case, it should not fear for its credibility.

The following are the Facebook posts that have gone throughout over one-third of the community, if not more.

>--(superficially plausible, but actually wrong ..."a specious argument". There is no substaniating evidence of this claim. This appears to be an attempt by the county attorney to manipulate the court. This is a CA that obviously does not understand Facebook)

On February 21, 2025 at 8:45 a.m. Glenn Ferren sets forth “victim

1’s” alleged criminal history. Further he sets forth “victim 2’s” alleged criminal history.

>-- (Oregon criminal records are public and freely available, nothing is "alleged". County attorney/state failed to do its due diligence by not Discovering and providing this evidence to the defendant.)

He recites defendant is a victim and puts forth his version of the facts.

>--(he puts forth the real "facts" directly contradicting the county attorney's version of the facts, fixed it for you, you're welcome)

He again sets forth his version of the facts.

>-- (he sets forth the real facts Vs the county attorney's false version of the facts)

Another potential remedy is a change of venue, which is costly and inconvenient to all parties.

>--(the better remedy would be dismissal of this case, dismissed with prejudice, or the replacement of the county attorney, debra jackson... who has shown her incompetence and bias...by her failure to recognize and address the flaws in this case; by basing the charges on false and incomplete information about the incident and by elevating

the status of career criminals to victims)

If this remedy is put forth, the State would request Glenn Ferren bear all the costs.

>--if this remedy is put forth, the State (Debra Jackson) should bear all the costs, having created this farce of a criminal case. In order to convince the jury into believing what is not true, the county attorney and deputy (Ethan Atkin) created out of whole cloth a crime that did not happen.

How much does a County Attorney make in Montana? As of Mar 4, 2025, the average annual pay for a County Attorney in Montana is $90,252 a year. A sheriffs deputy in Montana earns between $50,000 and $90,000 a year.

Debra Jackson 1103 Rock Creek Rd St Regis, MT 59866 (hidden valley ranch - 480 acres - valuation of property at $900,000.00)

debra jackson has another constitutional right she does not like, now not only does she oppose the second amendment and the right to self-defense, she also now opposes the first amendment right to free speech. being a public servant her work is fair game for public oversight and correction when it is egregiously wrong. the power she wields can do serious damage to individuals and families.

my personal observation: she is defensive and confrontational which may be an outward expression of her knowledge of the level of her performance and abilities. And she abuses the power of her office.

March 15, 2025 - > If you are going to trial over a second amendment right to self-defense, these are some of the words/ definitions you will encounter.

Merriam Webster Dictionary

self-defense

1: a plea of justification for the use of force or for homicide

2: the act of defending oneself, one's property, or a close relative

Second Amendment

In the 2008 case District of Columbia v. Heller,6 the Supreme Court held, after a lengthy historical analysis, that the Second Amendment protects an individual right to possess firearms for historically lawful purposes, including self-defense in the home. "Taken together, the Court concluded that the Second Amendment guarantee[s] the individual right to possess and carry weapons in case of confrontation."

In the 2022 case New York State Rifle & Pistol Association v. Bruen,...the Court recognized that the Second Amendment protects a right that extends beyond the home.

Assault

1 a: a violent physical or verbal attack

b: a military attack usually involving direct combat with enemy forces

c: a concerted effort (as to reach a goal or defeat an adversary)

2 law a :threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact

(as regards law: it is an emotional threat - like when someone hurts your feelings Vs a physical attack)

why do you think firing a warning shot is an "assault" against an aggressive 6' 200lb ex-convict ? Would not a real assault be shooting an aggressive 6' 200lb ex-convict ?

("scare tactics" = GED education level response, equals - deterrence)

Intimidate

law a: threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact

(as regards law; it is an emotional threat - like when someone hurts your feelings Vs physical contact/pushing/shoving)

why do you think firing a warning shot is an "intimidation" act against an aggressive 6' 200lb ex-convict ? Would not the intimidated act accordingly - frightened ?

Aggressive

1 a : tending toward or exhibiting aggression - aggressive behavior

b : marked by combative readiness

2 a : marked by obtrusive energy and self-assertiveness - a rude, aggressive personality

b : marked by driving forceful energy or initiative

3 : strong or emphatic in effect or intent

If someone continues to be aggresive toward you, and you are armed, do you believe they have been either assaulted or intimidated ?

What is the normal response to threat with a handgun ? : Run, hide, call the sheriff's office.

If you fire a warning shot and the 6' 200lb ex-convict does not run, does not hide, does not call out for help, does not call the sheriff's office, and continues to be aggressive... do you believe they are in fear of being assaulted or are intimidated ?

Fear

a : an unpleasant often strong emotion caused by anticipation or awareness of danger

b (1) : an instance of this emotion

(2) : a state marked by this emotion

2 : anxious concern

3 : profound reverence and awe

4 : reason for alarm : danger

common to the definitions of assault/intimidation : the word threat

Threat

1 : an expression of intention to inflict evil, injury, or damage

2 : one that threatens

3 : an indication of something impending

If you fire a warning shot and the 6' 200lb ex-convict does not run, does not hide, does not cry out for help, does not call the sheriff's office, and continues to be aggressive... do you believe the 6' 200lb ex-convict views you as a threat and is intimidated or concerned about being assaulted ? Would that not demonstrate an Absence of Fear? Can you assault or intimidate someone that does not fear you or view you as a threat ? The 6' 200lb ex-convicts actual response in this case is more worthy of consideration than the alleged "emotional" responses of assault and intimidation, possibly planted by the responding *deputy in creating the witness/"victim" statement. *the deputy's write up of statements attributed to the "victim" is legally considered "hearsay".

Lack of Intent

In criminal threat cases, intent is a crucial element that the prosecution must prove beyond a reasonable doubt. The intent here, with a warning shot, is to deter aggressive behavior in the 6' 200lb ex-convict. There is no intention to inflict harm, unless the aggressive threatening behavior is not deterred, stopped.

Lack of Fear

In criminal threat cases, the prosecution must prove that the victim experienced reasonable and sustained fear due to the threat. The defense can argue that the victim's reaction or behavior did not align with genuine fear, thus challenging the threat's credibility.

For example, if the alleged victim continued to interact with the accused in an aggressive manner after the supposed threat, it could be argued that a reasonable person would not have felt genuinely threatened. ... reasonable doubt.

Self-Defense or Defense of Others

If the accused can show that the threat was made as a defensive reaction to an immediate threat to oneself or others, it can be a valid defense. For instance, if someone threatens to use force to protect oneself from an imminent attack, this can be argued as a justified threat made in self-defense.

belligerent (deputy atkin term used to describe defendant)

1 : inclined to or exhibiting assertiveness, hostility, or combativeness

disrespect (when defendant says "do your job")

1 : to lack special regard or respect for

2 : to show or express disrespect or contempt for : insult, dis

looks like the word deputy atkin is looking for is "disrespect"

Summary

Sooo, in order to prevent an actual physical assault to himself, the defendant, per the state's argument has created an "emotional" assault upon the "victim" and "emotional" intimidation upon the "victim" (has hurt his feelings), neither of these two charges are actually reflected in the subsequent real-time actions of the "victim". The bungled investigation of a theft by the MCSO deputy Ethan Atkin leads to the arrest of the defendant (the real victim) but that arrest of the defendant also creates an "emotional" feeling of happiness in the "victim"/suspected thief. Perhaps the defendant should have allowed the "victim" to physically assault him, thus giving the "victim" the same end result of an "emotional" feeling of happiness. And while we are talking about "feelings" perhaps per the states's argument. the defendant should have just given his firearm to the "victim" and said "go ahead and shot me". if that would make you happy. Welcome to the absurd world created by the state/county attorney created by bringing these charges against the defendant.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

March 11, 2025 - > *victim has extensive criminal record - including burglary, assault, possession of heroin, **victim2 - an arrest for possession of methamphetamine.

Review of rim_condensed report - authored by deputy atkin, deputy hughes - approved by micah allard, ryan funke

[by BRUCE MOATS Mineral Independent Court decides Brady dispute
November 27, 2024

"Micah Allard’s personnel file will remain expunged of the allegations that led to his firing by the former Mineral County sheriff, according to a court ruling filed last Wednesday at 6:15 p.m. (Judge Shane Vannatta was working late.)

The court ruled that the allegation against Allard was not sufficient to be disclosed under the Brady doctrine. The ruling came in the case filed by Sheriff Ryan Funke against the county commissioners for failing to process his rehiring of deputy Allard. The county has since relented, and the case came down to whether a settlement agreement stood with the county that expunged (eliminated) the allegations from his personnel file.

However, the county attorney's motion also sought to void the nondisclosure provisions of a settlement agreement between Sheriff Funke and his former employer, Lake County. It is unclear if or when the court might rule on Funke.

While Funke's agreement is attached to the county attorney's motion, it is sealed so the public cannot read it. The motion says the agreement contains a provision that its terms would be confidential. The county attorney got the agreement pursuant to a court order, but not for public disclosure. It has also obtained through subpoenas information not in Funke's personnel file, including the Lake County attorney's investigation and apparently a separate investigation by "Investigator Max Muller." "--- *Funke - search "coyote club" lake county]

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atkin (54-4) - rim_condensed report - approved by micah allard

victim - 6' 210lbs - age 56

defendant - 5'10" 130lbs - age 42

"Victim said defendant had shot at the ground right next to him."(lie)

atkin identified the bullet impact location, it was not where it was indicated by victim.

"Victim also said he was scared when defendant shot the ground." (lie)

victim did not express any fear, argued loudly, "got right in my face" per defendant, did not cry out for help or move away, DID NOT call MCSO or 911.

"It should also be noted defendant had glassy bloodshot eyes, was slurring his speech and had an odor of an alcoholic beverage emitting from his person. The drink defendant had been carrying also smelled of an alcoholic beverage." (exaggeration - implied drunkenness- review bodycam videos)

"Victim then showed the spot where defendant had shot in the ground. I took photographs of it, as well as another hole which he had mistaken for the gunshot." (lie - via misrepresentation of facts) victim showed atkin the bullet impact spot where he was standing (see img #3119) , atkin determined that what victim was showing him was not the bullet impact location and identified the actual bullet impact location (see img #3122) - by doing so, atkin confirmed that defendant had not shot in the ground "right next to him" - "Victim stated he had been standing in one spot",..."

(images/photos taken by deputy atkin)

"According to victim2, victim had been talking calmly to defendant," (lie) victim per defendant was yelling loudly "I am not a thief"

***hughes (JH5184) - approved by ryan funke

"I Deputy Hughes was contacted by Deputy Atkins to assist him at (location) for the reporting party has a history of aggression with law enforcement..." (previous "aggression" - defendant called atkin a "coward" and said "do your job")

***initial statements made to hughes by defendant were made before miranda rights were read to defendant <**a voluntary statement, allowed in court and does not require miranda warning**>

atkins arrives at hughes vehicle location and handcuffs defendant and reads him the miranda rights

"Deputy Atkin asked defendant if he fired a weapon at the other male. Defendant advised he felt threatened as the other male weighed more than him and he was protecting himself." (bodycam video for defendants exact words and note the fact that the weapon was not fired at victim)

"We advised him that he was told by dispatch to not confront the

other party and to wait for law enforcement but refused to listen." (Defendant walked to road to see if victim's car was at location, Victim2 approached defendant in roadway and started conversation/ argument, victim then approached defendant in the roadway in an angry and aggressive manner)

"Deputy Atkins had to use force to get defendant into the vehicle where he was then seat belted." (misrepresentation of actual act - of lifting defendants feet into vehicle..."had to use force" - see bodycam video)

"Defendant asked for his dogs to be fed and I advised Deputy Atkin once he returned." (dogs were not fed and watered, MCSO sent a person out (3) days later to care for the dogs that were left in the home)

If you have been keeping up with the posts regarding this case, you will remember the stabbing at (victim) location...there will be an update to that incident (soon) that will more than a little interesting.

March 6, 2025 - > Does anyone remember hearing anything about this *stabbing that took place in Mineral County early last summer ? Seems strange that I could not find any mention of it in the news.

Something seems "odd" about the "special" relationship between MCSO and these folks, like there must be more to the story judging from how many times MCSO has been there.

*My source tells me the girl spent several months in jail and was then sent back to NY where she was from.

>---The following consists of excerpts from a conversation with defendant regarding some of the interaction between the Mineral County Sheriffs office and it's deputies with the "victim" and his family circa 2020 - 2025 (most recent MCSO interaction 3/4/2025 - 3 squad cars on site)

>do you remember something about the ???? boy being stabbed by his girlfriend ? probably in the last year, ???? said she was in the mineral county jail and I don't see any news reports about the incident

>and give me the details on ???? and "victim" fighting over a firecracker, actual fistfight ?

Yes, the girl was getting beat by the crazy kid and she had enough and stabbed him. Tried to kill him from what I gather. That must’ve been somewhere around June or just before. After spring, this year (2024)

... the first year "victim" was here (circa 2020) it was just after 4 of July and "victim" and all of them were whoopin it up as usual, making lots of noise so I wandered over to the fence to see what all the commotion was about and "victim" threw a firecracker (way bigger than a black cat) in under ????s truck and when it when off ????

started cussing "victim" out. Took about a min or two before "victim" jumped on him and whooped ????s ass.. wasn't a knock out fight but he was on top of him saying something I couldn't hear but it shut ???? s ass up and they went their separate ways. ???? went inside and "victim" was mumbling something and went to his shack.. this was before "victim" went to Oregon to pick up the meth girl friend....

I did not see her when I was in jail, the female cell was right across from mine, and I never saw her.

Also "victim" has had at least two domestic violence issues which the cops were involved in this year, I walked outside one evening and the block was swarming with black and whites, when "victim" showed up a few days later he has one eye that was bloody, ya know when the blood vessels burst in the eye kinda thing and he chuckled saying he whooped his gfs ass in a fight. Apparently she was drunk and they got in a spat and "he had to put her in her place" .

> didn't see anything on the sheriffs office FB page about the stabbing

It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it.

Apparently she stayed at the shelter and ???? picked her back up and brought her back to his house where the boy beat her again..

I saw her sitting in the road in between ????s place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the ????s . I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.

I imagine she didn't. Helped her drag her suitcase into the shelter and told her good luck and left.

That I still don't know, I stopped off at the Montana bar tonight for dinner and the bartender asked why I haven't been there in months and filled them in on everything. Apparently "victim" was 86'd about the same time all this shit went down and "victim" was trying to fight some local.

No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know I just felt bad seeing her crying in the damn road.

>Did you tell me that the kid went after "victim" one time with a machete?

Yes he did, believe the sheriffs were called then too..

"Victim" was beating on the trailer and the boy was gonna chop him up, sheriffs showed up and took his crazy ass to jail because he answered the door with a machete thinking it was "victim", but it was the sheriff's knocking

Nope, all I know is deputies took the kid out that day-----(New Date) The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

March 3, 2025 - > The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County ...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

The Information document filed by county attorney debra jackson on 6 sept 2024 contains false and misleading statements -- Count 1 : "(defendant) did so by discharging a gun into the ground next to (victim) " -No, a warning shot was fired, but it was nowhere near the "victim", actually it was about as far from the "victim" as possible ... Count 2: "he discharged a firearm at the feet of (victim)..." - No, that never happened (victim showed deputy where he was standing and the bullet hole in the road, deputy recognized it was not a bullet impact location and marked the correct location - about 20 ft from where the "victim" was standing during the incident (see still images photo sequence as numbered)... Count 3: "deputy (another brady) had to pick up (defendant) "- No, (defendant) was sitting in the backseat of the deputies car, deputy simply pushed his feet inside the vehicle. (see bodycam video) [count 1 assault w/weapon, count 2 intimidation, count 3 resisting arrest]

In this twisted version of the incident you are led to believe defendant is shooting at the feet of "victim" (dance boy dance) like some scene from a cowboy western. (which would be a crime). This is a second amendment case where the defendant fired a warning shot in self-defense as he was approached by an angry loud aggressive ex-convict that outweighed the defendant by about (70) lbs. Defendant does not like hospitals.

March 2, 2025 - > If you hear the argument... he came to a "fist-fight" with a gun, lets consider ...

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Lightweight - 135 pounds (Defendant) Vs Heavyweight - 200+ pounds ("Victim")

Sounds like a "mismatch" doesn't it.

So a warning shot was fired ---

Do you think the Defendant should have his teeth knocked out before he can defend himself ?

His spleen or kidneys ruptured ? His eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should the Defendant let the "victim" "put me in my place" the way he "put her in her place" as the "victim" said about his girlfriend ? What should the defendant allow an ex-convict to do to him that allows the defendant to react to the threat the "victim" is expressing to the defendant ?

Do you think that is what the 2nd amendment means ? That the defendant has to suffer severe injury before the defendant has the right to defend himself. Would you wait until your teeth were on the ground ?

Do you think Montana's right to use force law means bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill.

The defendant has the right to say, with a warning shot, hold on buddy, I'm not going to allow you to hurt me, the defendant has the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I have the right to stop you.

Defendant: "I feared for my life and fired my weapon in deterrence/ self-defense of what I believed to be pending severe physical harm to myself by (victim) who was approaching me in a threatening manner." "victim is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

"victim" did not even flinch when defendant fired the warning shot, but he stopped his aggressive approach.

Feb 27, 2025 - > Second Amendment case Mineral County March 2025 -- Sometimes you don't get the real story ... the california transplant that is the county attorney for mineral county doesn't want you to know some facts in a pending case. In a second amendment case where she opposes the right to self-defense, some facts will be suppressed and the jury will not get some much needed background information. The defendant exercised his right to self-defense against the aggressive suspect of a theft ("victim") who spent most of the last (20) years in the Oregon criminal system - burglary, assault, possession of heroin, etc before transplanting to Montana in 2020. The defendant fired a warning shot, behind him into a dirt bank, the "victim" stood and continued yelling - did not run, did not cringe or cry, did not call the county sheriff's office, and was not "assaulted" or "intimidated". When the sheriff's deputies arrived, having been called by the Defendant , the "victim" told the deputies the Defendant had shot "at his feet" and showed the deputy a spot in the roadway where he said he was standing that was NOT the bullet impact location. The deputy found the bullet impact location, on the other side of the road, behind where the Defendant would have been standing, and wrote the report up saying the Defendant fired at the "victims" feet. Said deputy may have remembered a previous encounter with the Defendant who had called him a "coward". Another "brady" deputy ? Payback ? or just really bad law enforcement. Defendant was then arrested, charged (up to 30 years in prison possible on those charges) and had to put up $5000 or sit in the Mineral County jail for 8 months. The real victim here... seems to be the guy that had his stuff stolen, a victim of the county attorney and the sheriff's deputy.

There are three laws (MCA) in Montana that allow you to exercise your right to self-defense, and then there is also the Second Amendment. None of those laws say you have to wait until you suffer severe bodily injury from an ex-convict BEFORE you can exercise your right to self-defense. Another fact that the county attorney will not want you to know is that the residence of said "victim" frequently has interactions with the Mineral County Sheriff's office. Some examples; the "victim's" nephew trying to kill him with a machete, the domestic disturbance between "victim" and girlfriend where he had to "put her in her place", the stabbing of one of the residence members at the location summer 2024 (that does not seem to have made it into either Mineral County or Missoula news reports), and even the event this past week where MCSO vehicles came in with blue lights flashing which is (suspected) to be an adverse drug reaction event by one of the members of that residence. MCSO has been on this site so often (the 911 call log with a search on the residence address would tell more about that) that they should have their own parking spot. Heck, the arresting deputy even knows the "victim" and his girlfriend (with a meth conviction) on a first name basis.

Consider this an introduction, some background information, there will be more that I will share. And I hope you will share this information with your friends. The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

These three Montana laws support self-defense and the firing of a "warning shot" as an act of self-defense...

45-3-111. Openly carrying weapon -- display -- exemption. (1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon.

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

*45-3-102 permits the firing of a warning shot in self-defense, see Ohio court ruling

2022-1482. State v. Wilson, Slip Opinion No. 2024-Ohio-776.

This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States (see back panel for list). The policy reflects the best thinking of all consensus organizations and is solely intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.

> > > > 3. Deadly Force Restrictions

a. Deadly force should not be used against persons whose actions are a

threat only to themselves or property.

b. Warning shots are inherently dangerous. Therefore, a warning shot

must have a defined target and shall not be fired unless

(1) the use of deadly force is justified;

(2) the warning shot will not pose a substantial risk of injury or death

to the officer or others; and

(3) the officer reasonably believes that the warning shot will reduce

the possibility that deadly force will have to be used.

Montana Stand your ground law -- No Duty To Summon Help Or Flee

45-3-110. No duty to summon help or flee. Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.

“The **Second Amendment** protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense."

*Intimidation Vs **deterrence** -- the action of discouraging an action or event through instilling doubt or fear of the consequences.

"nuclear missiles remain the main deterrence against possible aggression"

"a warning shot is a deterrence against imminent death or serious bodily harm"

***MCA 45-3-111, 45-3-102, 45-3-110 negate the "assault with weapon" and "intimidation" charges, there are no "victims" to substaniate charging MCA 45-5-213, 45-5-203**

These two laws conflict with the right to self-defense (as provided by MCA 45-3-111, 45-3-102, 45-3-110, and the Second Amendment) and the firing of a "warning shot" as an act of self-defense, there are no "victims" to substaniate charging MCA 45-5-213, 45-5-203

Assault With Weapon

45-5-213. Assault with weapon. (1) A person commits the offense of assault with a weapon if the person purposely or knowingly causes:

(b) reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon.

(2) (a) Subject to the provisions of subsection (2)(b), a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both.

(b) In addition to any sentence imposed under subsection (2)(a), if the person convicted of assault with a weapon is a partner or family member of the victim, as defined in 45-5-206, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

Intimidation

45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts: (a) inflict physical harm on the person threatened or any other person; (3) A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

video trim cline stmts 2

video trim cline stmts 3

ODC Complaint

I believe there should be an investigation of the legal practices of Mineral County Attorney Debra Jackson. In the case referenced in the cover sheet, DC-31-2024-0000032-IN, false evidence and false testimony were used to secure a conviction against the defendant.

It has come to our attention that false evidence and false testimony were used in another case in Mineral County recently. This involved a Shawn Cielke. A resident of the Packer Creek area West of Haugan MT in Mineral County that provides a towing service.

In another related case, the Mineral County Sheriffs Office and the County Attorney ignored a victimization of a young lady that occurred while they were investigating a family for several similar criminal charges related to another victim. DC-31-2025-0000007-IN William Est

45-5-213 : FEL-Assault With Weapon

45-5-303 : FEL-Aggravated Kidnapping

45-5-503(1) : FEL-Sexual Intercourse Without Consent

45-5-220 [FEL] [1st] : FEL-Stalking When Order of Protection in Place - 1st Offense - Felony

(2) additional charges were added for witness tampering

(Mineral County Montana District Court May 2025)
DC-31-2024-0000032-IN

How the victim of a theft becomes the victim of the State of Montana. This story begins early evening August 11, 2024 in Mineral County

Montana.

https://www.amazon.com/How-They-Killed-Second-Amendment-ebook/dp/B0FS41N25K

Did the District Court violate Appellant’s constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Was Appellant denied effective assistance of counsel, in violation of the Sixth Amendment and Article II, Section 24 of the Montana Constitution, where trial counsel failed to object to false evidence, failed to investigate, and failed to adequately defend Appellant? [Ann Davis, Suzanne Marshall]

Did the District Court err by failing to rule in favor of Appellant’s timely Motion for New Trial under § 46-16-702, MCA, thereby depriving Appellant of meaningful review and violating due process? [the judge ignored the issue of false evidence/false testimony and said to the defendant "he is not your lawyer", Appeal filed with Montana Supreme Court]

Glenn Ferren 12/21/2025 gferren@yahoo.com 406-649-2145

OFFICE OF DISCIPLINARY COUNSEL
FOR THE STATE OF MONTANA
P.O. Box 1099
Helena, Montana 59624-1099
(406) 442-1648

GRIEVANCE COVER SHEET

Date 12/21/2025

Your Name Glenn Ferren

Mailing Address 331 Cabin City Loop St Regis MT 59866

Home Phone 406-649-2145

Attorney's Name Mineral County Attorney Debra Jackson

Mailing Address 300 River Street PO Box 339, Superior MT 59872

Date you Hired Attorney NA

Amount Initially Paid Attorney ______________ **Total Amount Paid** ___________

Do You Presently Owe the Attorney Any Fees?
____

Do You Have a Written Fee Agreement? Y / N If Yes, Please Send Us a COPY.

Type of Legal Problem Attorney was Hired to Handle?
DC-31-2024-0000032-IN

Is This Matter Still Pending in Court? NO; May 19,20 2025

If Yes, Provide the Names of the Other Parties Involved and the Court File Number if You Have this Information: Did the District Court violate Appellant's constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the

Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Have You Previously Filed a Grievance Against an Attorney? NO

If Yes, Please Provide the Details on a Separate Sheet of Paper.

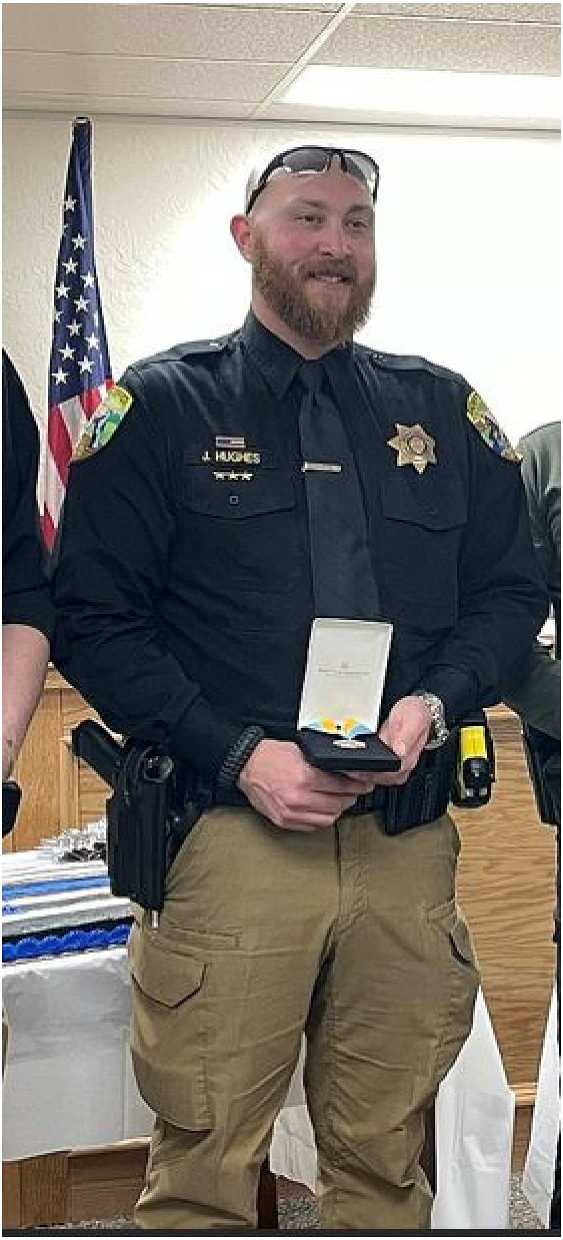
Attach a separate sheet of paper with a detailed explanation of the reasons you are filing a complaint against the attorney. Please print legibly.

Include as much factual data as possible (i.e., dates, names, phone numbers, amounts of money involved, witnesses, etc.). Please put the information in chronological order.

If you have any documents that will help to explain your complaint, please attach copies
(Do not attach original documents).

Chapter 4 - Deputy Jack Hughes

#54-5



(at arrival deputy hughes takes defendants weapon; during the jury trial hughes stated he thought deputy atkin disarmed the defendant and put the defendant in handcuffs to avoid any possible gun play... that was never a real thing. also during the trial deputy hughes stated he was a backup for atkin and blurted out that the defendant had "a history of aggression", again this statement is not true. atkin had written in one of his reports that the defendant had a history of aggression because the defendant had basically called atkin a coward... more than once... in regards to a different case. defendant had said to deputy atkin ..."if you are too cowardly..." and "do your job")

At the trial after deputy Hughes had made his sworn testimony there was a recess. As Joshua and I left the courtroom deputy Hughes was standing in the hallway and I remarked to him – "you are the one that handcuffed him, watch the bodycam video". Hughes had a surprised look on his face and motioned for me to leave. My encounter with the deputy and my statement to Hughes was relayed to the court and there was concern that the jury might have heard me. They did not as the jury had already left the area. I believe the judge asked County Attorney Jackson if she wanted a mistrial, which she declined. Hughes had been asked when he took the stand if he had reviewed the bodycam video and was familiar with the case. From his answers it was obvious he was not up to speed on the incident. I was. **Deputy Hughes made false and misleading statements during his sworn testimony.**

Body_Cam_Ferren_Axon_Body_3_Video_2024-08-11_1904_X60AB068V --video - hughes #54-5 (deputy

jack hughes says atkin is trying to find silver -- atkin was looking for video on witnesses camera to see if

defendant had been on their property, was not looking for the stolen item)

45-3-112. Investigation of alleged offense involving claim of justifiable use of force. When an investigation is conducted by a peace officer of an incident that appears to have or is alleged to have involved justifiable use of force, the investigation must be conducted so as to disclose all evidence, including testimony concerning the alleged offense and that might support the apparent or alleged justifiable use of force.[defendants testimony of weapon discharge and reason willfully omitted from deputy atkin arresting documents. bodycam video retains the record of that testimony]

BACK_SEAT_Ferren --hughes "not to confront him and let us handle it" hughes "if you had just waited for us ..." hughes offers to transport Joshua to jail to "keep him away from you (atkin)" ... my opinion that the long wait to unload the prisoner at the jail was when atkin and hughes decided how they were going to write up the incident....Ferren: 19:49 "sorry, I am trying to push your buttons because I am so mad" -33:33/19:49 [mad after having his stuff stolen and then he was the one arrested for defending himself against physical assault by an ex-convict drug user with a history of violence]

< defendant’s conversation with deputy hughes was allowed in court as a “voluntary statement” which required no miranda

warning …what he said in "voluntary" conversation "can and will be used against you …" another reason why you should never talk to law enforcement, talk to a lawyer.>

Body Cam Ferren Axon Body 3 Video 2024-08-11 1904 X60AB068V

Transcribed by TurboScribe.ai.

This is considered a "voluntary statement" and was used against the defendant at trial.

<deputy hughes , joshua ferren> Hello, sir. I'm just going to take this off. Okay, I'm going to take this off you. <**hughes takes defendants sidearm without any complaint or resistance from defendant**>
He stole my goddamn silver. I understand. Hang tight.
It was the only one that's been in my fucking house. Okay. What's this here?
These are cigarettes.
Come back here to my car and we'll talk. I was about to fucking load a bowl of weed. My weed's gone.
So I'm like, what the fuck? Searched my entire house. It's gone. Gotcha.
I'm just going to put this in my car, that's all. See if anything else was missing. My fucking silver is gone.
He is the only one that has been over to my fucking house. Today? Today, yesterday, fucking...
Okay, so give me an example of the day. So today you're out in your garage.
Start over again. Most of the day I've been out in the woods cutting firewood. Gotcha.
Okay. I come home, you know, dicking around with the chainsaw. Because, anyways.
Long story short, fucking trying to end the day, do some laundry, go to load a bowl, there's no
fucking weed. It's not here, it's not there, it's not anywhere. It's not outside, dogs didn't drag it
off.
Okay, what the fuck? It's always fucking right there. And then I start thinking, you know, this
guy's been over to the property lately. What the fuck? Started looking through my rock cabinet, and I haven't noticed anything missing out of there, but I went out to the shop, and I got a silver fucking ingot. It's about this big. 600 fucking grams. It's gone.
He is the only one that has fucking been there. I showed it to him, dude. And he fucking took it, it's gone.
So were you guys used to be friends? No, I've never really been

friends. You keep your enemies closer than friends. Yeah, I understand.
Well, you said he's been over, so that's why I was asking. Yeah, it's because he's been buying
parts off my truck. Oh, okay.
I understand. Gotcha. And then, um, do you keep the house locked up? I'm just asking in
general.
I got guard dogs, but these guys feed them, so they're fucking friendly to them, because they
fucking feed them, which I've always had a fucking problem with, and that's why my guard
dogs don't work. Gotcha. Nope.
Okay. Alright, so I've never met you. So I'm Deputy Hughes.
What's your name? Josh. Josh. Last name? Ferren. Ferren. Okay. Nice to meet you.
Sorry about these circumstances and everything. Yeah, no, I'm sorry, but the shit's gonna end
tonight, because I'm not gonna fucking live next to a thief. Just stop. Just stop real quick. Let me deal with that. This has been an ongoing issue between me and the fucking Mineral County Sheriff for the last two, three fucking years.
These guys are trouble. They are fucking worthless, and they need to go. They fucking stole
from me.
Right, and you know I can't do anything about that. No, but I fucking certainly can. You're a
sheriff. You can deputize me, because I can fucking deal with this shit when y'all ain't here. Yeah, I can't do that. So only the sheriff can do that.
You're a sheriff. It says right there. I'm a deputy sheriff.
Josh, how do you spell your last name? F like Frank. E-R-R-E-N. Date of birth, Josh? 11-28-82.
And your address is 297? 331 Cabin City Loop. And a phone number for you? House phone is
Area Code 406. Cell phone don't work out here.
I understand. 649-2145. So this has been an ongoing thing, is what you're saying.
Well, I've been trying to keep peace with the fucking thieves. Like you say, your friend is close, but your enemy is closer. So I've been trying to keep the fucking peace.
Every time I drive by, they're fucking out, dude. What are you doing? Blah, blah, blah, blah.
Motherfucker just walks up on the property, Hey, you know I got this

Dodge.
Sure, I'll make some money. But it's been just showing up a lot unannounced. Have you ever
told them not to show up unannounced? **There's no fucking trespassing signs.**
That should be fucking enough. Right, but if you were selling parts and stuff like that. The
parts weren't on the market.
I understand that, yeah, and then it was okay. But I guess, so after that, though, like after he
bought the parts and stuff like that, did he just continue to... Is that thing on? Yep. Did he just
continue to come over and like want to buy more parts? **He just comes over whenever he
fucking wants.**
Like unannounced. Hey, I got this. Blah, blah, blah.
Just fucking unannounced. Gotcha. Have you ever told them at any point in time, like dude, like that kind of guy that you don't really fucking tell to like not show up? Because this is why.
I got fucking robbed. Right. I understand.
But it's still friendly. Right. Until it gets to that point.
Gotcha. So at this point, for sure, we can make sure that happens for sure. This shit, I want my fucking silver back tonight.
Tonight. We have to prove that, right? The proof is in the pudding. He is the only motherfucker that knows about it.
And it's the only thing out of my shop that's fucking missing. I don't give a fuck about the weed. I don't really give a shit.
I want my fucking silver back because I made that for my kids. I understand your frustration on that one. Absolutely.
No, I don't think you do. We'll do everything we can in order to help you. I'm gonna burn this
fucking place to the ground if I don't fucking get it back tonight.
They're gone. He's gone. Chuck don't fucking want him here.
He's been fighting this shit so that these guys are gone. Right. Like I said, we can't kick people
out of the county.
Only the judge can do those things. Or civil litigations or something like that. You understand?
Or a fucking vigilante.
No. Cheers. I'm the fucking guy.
Well, I don't want you to be that guy. That's why you got that number. No, that's not it.
You're not highway patrol. Nope. I'm already here.
So, but anyway. I don't want you to have to go that route because

then it just gets you in
trouble. I don't want to fucking go that route either because it's gonna cause me to go to court.
And you know what? I'll fucking walk out on the fucking flying end of this shit because Montana should be a fucking place where you feel safe and you don't have to lock your fucking doors and you can trust your fucking neighbors to do the right thing, but it's just nothing but a fucking meth head. Just talk to me, bud. I got you.
I get your frustration. I get it, but just here, talk to me. You don't need to worry about anything but me.
No, I gotta worry about my fucking house and my safety and all that shit. But right now, let me help you and let me deal with this for you, okay? Let me, let me, just talk to me. Take your frustration out on me.
Go get my silver! Stop, stop. I got you, okay? Right there. **I might have been hurt.**
Just quit. Right there, hurt. I understand.
Just quit. Just talk to me. You got me, okay? I got you, but I don't have my fucking... But I can't
do my job with you flipping out.
I got a 600 gram fucking silver ingot that I want. <**deputy atkin, joshua ferren**> Can I get you to put that down real quick for me? No, sir. Just first set it down. Josh?
I don't have a weapon on me. I'm having a refreshment. Josh, I'm telling you, put it down.
I'm gonna put you in handcuffs for my safety. Why are you putting me in handcuffs? Put it
down, bro. Here, here. <**140lb unarmed joshua made atkin fear for his safety?**>
There is no... You're alright, bro. You're alright. **Why are you putting me in fucking handcuffs? I got robbed and you're fucking putting me in handcuffs?** Okay.
So, I know he's already talked to you a little bit, but... I got robbed and you put me in fucking
handcuffs? I'm gonna fix this real quick. Hold on. Let me... No, no, no. Hand that to me because this shit's gonna be recorded. It is recorded. I have it.
You're putting me in handcuffs because I got... Josh, can you listen to me for a second? You just want to yell and scream and accuse me of... I want my fucking silver back. Okay. And he took it.
You have the right to remain silent. Anything you say can and will be used against you in a
court of law. You have the right to talk to a lawyer.
If you cannot afford to hire a lawyer, one will be appointed to

represent you. Do you have a body cam? I do. Is it on? It is.
<**defendant was officially under arrest when handcuffed and should never have talked to deputy atkin, atkin was looking for anything he could use to justify the arrest**>
I don't... I don't see no light on that thing. It doesn't have to have a light on. So, do you want to
talk to me right now? Yeah, I want to talk to you.
Okay. Tell me about the gunshot in the ground over here. Scare tactic. He was fucking walking up to me aggressively, so I pulled my gun out and I fucking shot in the ground. And I said, I want my shit back. Okay.
So, I'm gonna tell you right now. We don't have any evidence that he had your ingot. Do you
have any evidence? Yes.
He is the only person... Do you have any video evidence? Okay, being a detective... Do you have any video evidence? No, I don't have a fucking camera on my property, which is why he knows he... Okay, look. He is the only one that has been on my property. He is the only one that I have showed that fucking ingot to.
I told him what it is. Okay? Why is it the only thing fucking missing out of my shop, along with the weed that was in my fucking house right in front of my TV? Go look in that fucking shack. I can't just go walk into people's property and look.
Go get a warrant. Get a warrant. I don't have enough to get a warrant, to be honest.
What do you mean? Because he's saying he didn't take it. You're saying that the only person
that knows about it is him. There's a whole lot of wiggle room in there for a whole lot of people to be on your property. <**warren cline has served time for burglary**>
Right now, you're under arrest for assault with a weapon. How did I assault anybody?
You shot a gun right in front of him, as a scare tactic. Just like you told him? Yes.
You can't do that. I didn't assault anybody. He was in fear of his life. **I was in fear of my life!** Okay. What the fuck, dude? That motherfucker walked up to me all...
Okay, alright. We're kind of done here, okay? No, we're... Bro, are you fucking kidding me? No he's got a pack of cigarettes on him.
Are you fucking kidding me? I got this later. You gotta be joking, dude. I'm gonna leave your 50 in your pocket, okay? <atkin>You can't walk around with guns, threatening people.
I can walk around... You can use it for self-defense? Defending myself? **Yeah, he was walking up to me in a threatening fucking manner.**

Do you understand that? Bro, listen to me. Sheriff? Yeah? Do you understand that? <atkin>That's why we have courts.
You can talk to the judge about it, okay? No, I'm talking to you about this, and that's why...
So there's been multiple times that we've been out here with you shooting guns in a way to
intimidate... I've never fucking shot him. And it's just escalated. Bro, he... And we've escalated to the point where you've already... He was walking up to me in a threatening manner.
So I fucking discharged my weapon. To keep him at bay. You just told me it was a scare tactic.
Yeah! To keep the big motherfucker at bay! Are you... Bro, okay. Wait, what's your name? Atkin. Seriously? Dead serious. <**scare tactic = deterrence = stop**>
Wanna have a seat? Let's have a fucking little sit down talk here. Mr. Atkin. Have a seat.
Sir. Have a seat and we'll talk. <hughes>You sit in there real quick and he'll talk to you.
Alright. I'm gonna put this in front of me because I don't feel... No, we can't put them in front.
They have to stay back.
There's nothing here in front. It doesn't matter. It's policy, it's procedure.
We have to do it that way. Alright. I'll sit down.
Mr. Atkin. Hold on real quick. So, if somebody is walking at me in a threatening manner, I'm not allowed to defend myself.
Okay. **You never say anything about that and you only tell us about that after I put you in handcuffs. <joshua said it several times>**
Well, it's a fucking scare tactic.
Dude, look at me. Okay. Look at me.
Look at him. Okay. If he was fucking walking at me in a threatening fucking manner, what am I supposed to do? Fucking throw my dukes up? Hope for the best? Don't approach him in the first place. <**140lbs vs 200+lbs ex-convict biker/drug user**>
You didn't have any reason to approach him. Bro, he stole from me. And remember, you had a
dispatcher tell you not to confront him and let us handle it for you.
I didn't confront him. I stood out here in the fucking road waiting... Goddamn. Main way here, waiting for y'all and that woman over there fucking showed up and said, what's the problem? I said, hey, go get my fucking silver.
You fucking stole from my kids. Alright. That's what I'm fucking pissed off about.

Okay. I understand. However, we're here to handle that.
Not for you to come out on the road and shoot guns at people. **<atkin found the actual bullet impact location, he knew no one was shooting at Cline>** I wouldn't have shot it if he wouldn't have fucking walked up on me like goddamn Godzilla. If you would have been sitting at your house waiting for us to show up, that wouldn't have happened.
People in Montana have a right to fucking defend themselves. Right? Within reason.
Within reason. Within reason. If I feel... I guarantee... If I feel that my life is threatened, I have the right to fucking defend myself. Listen to me, Josh.
That is the statute. Stand your fucking ground. <atkin>Your ground is not on his property. **<incident was in the county road>**
My ground is fucking wherever I stand. No, bro. No, no, no.
We're not going to fucking end this way because I'm going to go back home. I have work tomorrow. I have fucking animals over there that need fed.
Okay. Do you have anybody that can take care of them? No. I don't.
You're going to jail, Josh. I'm sorry. That's how it has to happen.
Dude, that motherfucker stole from me and you're taking me to jail. This ain't going to happen. This ain't going to fucking happen.
Are you resisting arrest? I'm not resisting arrest. This is a fucking unlawful arrest.
That body cam will prove it.
Josh, swing your legs in. **I was defending myself against great bodily harm.** We understand
what you're telling us.
Swing your legs in, Josh. Then this is a fucking lawsuit against fucking Mineral County Sheriff. Swing your legs in.
You're not getting out of this. Why? Because there's no way to get out of this. Right now you're
resisting arrest.
I'm not resisting arrest. **I'm resisting unlawful arrest.** Josh, swing your legs in.
Dude, you're fucking kidnapping me again. This is the second time.
Hop in, please.
Swing your legs in, Josh. We'll talk more down at the jail, potentially. But you've got to get in
right now.
This does not mean that our investigation is over. Give me my fucking phone. I need to make a call. You will, down at the jail. Negative. Give it to me, Josh.
That's not how this works. Hop in, Josh. You're okay.

Mr. Fucking Atkins. Alright, that's how this shit's going to go. Just quit.
I'm not fucking doing nothing, dude. You guys are just being fucking... You guys are fucking
committing a goddamn felony. It's called kidnapping.
You know what that shit is? You're right, Josh. I promise. I'll get this through.
Mr. Atkins. I'll be seeing you in court. 689545, can you copy? Okay. You guys better fucking bring me back home when this shit's done. Copy you. Your status? We
have one 10-15.
Mr. Ferren. Anything else to add? Anything else to add? Well, you know quite a bit. Is this like
you guys fucking a poor man or some shit? **Why is this not... Um... Discharging a firearm?** Assault with a weapon.
Discharging a firearm. Discharging a firearm. It's going to be a Smith & Wesson.
Serial number Henry X-ray Union 2720. Henry X-ray Union 2720. And if that Smith & Wesson
doesn't come up, And if that Smith & Wesson doesn't come up, comes up M&P.
Guns claim is registered today. All right. Thank you, sir. <fyi joshua had completed the concealed carry permit requirement in Washington State previous to this incident but did not purchase the certificate/form>
What are you guys going to do about my fucking silver that's gone? All right. Thank you, sir. Let us... What are you guys going to do about my missing silver? Let us complete the investigation, okay? Let us help you.
Go fucking get it. Okay, just think they're gonna fucking go somewhere and hock it. I
understand.
No, you don't do 600 grams of fucking silver This shit needs to be fucking redone y'all need to
fucking hire me on the force and I'll fucking take your shit jobs. That's why we can't hire you because you aren't going to go it about the legal way dude Live in the fucking war that doesn't mean this shit the vigilante anyway. No, that's not how America was built back in the day. That's not how it is now.
Yeah, and that's why these motherfuckers are rampant fucking steal whatever they want fuck
Told you guys so many times fucking deal with them. <MCSO had responded to multiple incidents circa 2020 – 2024 at the Cline/Est residence> All right Okay Who He's up there with the

deputy Yep No, I have I have Josh, Warren's up there with another deputy Got nope, we're taking care of that. Thank you He's coming back over there I Can't say I understand what you're saying, but listen that was attempt to escape now, dude.

I'm not I No right to do what you just did and you're gonna put your handcuffs right back
behind you again Well, that's exactly what's gonna happen. I'm telling you right now, dude. I
cannot say everything. <**watch the bodycam video and see the defendant with hands cuffed behind his back, move his hands still cuffed to the front of his body, it pretty much blows away the "he's intoxicated" statement hughes makes on the radio**>
I don't care What is what you're saying? This is nothing to do with that. I'm telling exactly what's gonna happen. You're gonna get another charge Really? Yes, sir.
I'm sorry I'll put it fucking back. This is Yep, yep, just give me a few minutes. Let me wait for him and we'll put them back behind you again Thank you, we all send you a CR number for this for gonna be primary Oh No, I made sure that Now this handcuffs aren't made for comfort as well.
I'm robbed and I'm sitting in the back of a cop car Well, if you would have just waited for us If you would have fucking done your job the fucking first time I called y'all to deal with these fucking pieces of shit We wouldn't be in this situation, but there's nothing I can do.
I don't know anything about any of your past Yes, you're fucking right, but **Mineral County**
Sheriff, mr Atkins has been here on fucking like ten different occasions with these
motherfuckers on their ticket and they have done absolutely nothing nor Have they done
anything about Jay? Who fucking lives down at the end of the block who fucking physically
assaulted me and I got video of it Fuck man, why am I in cuffs right on that this part is
something's completely different today compared It may be all Fucking system that you're
working for bro I'm listening, but you're but you got it, but you got to listen to my reason to go.
I understand you're doing your job Yes, I understand However, I'm not the problem. They are. I understand I understand your frustration, but we also have to Wait for y'all and she fucking confronting me and then he fucking confronted me And he come up to me a fucking threatening matter. So I popped my gun off

Right. Why am I sitting in the back of this car because of that I was defending myself And that's why we have to go in the court for things. No, you guys Dude you don't guys are the fucking judge and jury.
No on this. No, we're not. Absolutely not **Okay, he fucking came at me a threatening manner fucking arrest him Attempted assault** That's how that shit works, right Not always.
No Why not? Why not? Why not tonight? We weren't up here. Why not tonight? We weren't up here But the thing is is where you shot a round off that that part there, that's for sure.
The thing is you should have done if you would have just stayed home Bro, and what was out
fucking y'all are right Well, you should have just waited in general at how at the home at home on your property No fucking silvers on the line that I made for my kids. I'm not gonna fucking pussyfoot around the house Oh twiddle my fucking thumbs waiting until something's gonna happen.
Well, there's a reason I called y'all right and that's why we have to be here But
then when he came at me in a threatening fucking manner, so I popped a goddamn round off
Josh You're not listening bud.
You know, you're not listening to me at all. **You're not listening. I'm a hundred and thirty**
fucking pounds that motherfuckers to 238 easy I Was defending myself and it stopped a
fucking bear in its tracks Okay Okay, that's where we're at All right, it'll all be it's all recorded.
We understand No, you don't because I'm still sitting in the back of this goddamn car and he is sitting over there in his fucking house Now deputy Atkins is still trying to help you out by trying to find your silver Dude they had plenty of time to fucking hide it You need a search warrant fucking gut that house along with everything else that's fucking stolen in there But the thing is we have no proof that he took it other than your word, right? Okay you know hard that is to prove in court? Yes. I do know how hard that is.
Here's the thing He has been the only person to be on my land in the last fucking year I
understand that no, no, but the thing is just listen. Just listen, okay In the last year, he's the only one that's been on the property. I have been out there fucking melting down silver He shows up.
Just fucking shows up. Hey, what are you doing? Well, I'm fucking making some silver and **he fucking watched me pour the goddamn thing And I set it on my fucking shelf in my goddamn workshop <at this time Cline is telling deputy Atkin he doesn't know**

anything about Josh’s silver ingot> He is the only one that has fucking seen it. It's gone Okay, you know nothing else is fucking missing besides my weed which he fucking smoked Okay, I We miss in person I started looking around for what the fuck else is missing right and my silver fucking ingot is gone When it was the last time you saw your ingot ? Fucking yesterday, okay No, I just wanted to ask I didn't I didn't ask you that before that's why I'm asking now I know it's fucking him because he's the only one that knows about it But the thing is so we have to prove without a reasonable doubt, right? I've been proving it without a reasonable doubt Nobody else if fucking knows it's there besides him.

Okay, but the thing is in order to get a warrant, right? We have to have We have to ask for these things correct or you guys can go home and let me fucking deal with this myself No, and neither the taxpayers nor yourself will have to do any fucking paperwork over this No, and I see that I'm not gonna know don't stop threatening people bud. I'm not threatening. you are though. Defending my fucking self. now are you saying that you're gonna take care of me You know everyone's entitled life liberty and pursuit of happiness, right? Yes, all within reason. <end of transcribed portion of video>

Watch and listen to these clips from the deputy Atkin bodycam video. Warren Adrian Cline is all over the place with his answers to Atkin’s questions. (He’s lying). This Atkin/Cline interaction is occurring while deputy Hughes elicits the voluntary statement from the defendant.

video trim cline stmts 2

video trim cline stmts 3

weapon discharge location clip

Chapter 5 – Public Defenders Ann Davis, Suzanne Marshall

OPD MISSION

Providing the most compassionate and expert defense of clients and the Constitution.

VISION

Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.

Public Defenders: Ann Davis, Suzanne Marshall [Suzanne Marshall Malloy]

Despite having a jury of avowed Second Amendment supporters, these two snatched defeat from the jaws of victory. If you are not in the game to win, why are you in the game at all ?

This chapter is of communications between the defendant, myself, and the public defenders. And some of these communications were also social media postings. Some of this appears in other chapters.

Appeal: Cause No. DC-31-2024-0000032-IN

Jul 10 at 2:18 PM

Glenn Ferren <gferren@yahoo.com>
To: westen.young@mt.gov,brett.schandelson@mt.gov,tammy.hinderman2@mt.gov,jeavon.lang2@mt.
Cc: joshferren@icloud.com
client : Joshua David Ferren<joshferren@icloud.com>

Client expects an appeal to be ready in this matter to correct the Public Defender's mistakes made during trial that were a significant part of this fiasco.

As of this date, sentencing is set for July 18,2025.
<**sentencing date is now Sept. 19, 2025**>

The court has been in receipt of the below Motion for New Trial since June 17, 2025.

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL
STATE OF MONTANA,
Plaintiff,
vs.
Joshua David Ferren,
Defendant.
Cause No. DC-31-2024-0000032-IN
Judge Shane Vannatta

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence)

I. FACTUAL BACKGROUND

1. On [May19th, 20th], the State introduced Exhibits [6.1,6.2,6.3,6.4, 6.5, 6.6], which

includes a photograph purportedly showing a bullet impact location and one Warren A Cline on the county roadway [cabin city loop road]..."right at my feet" .
2. The State's witness, [Warren A Cline], added False Testimony when he testified that the photograph depicted a scenario directly related to the alleged offense.
3. Defendants public defenders failed to present to the jury that this photo was not the actual bullet impact location. Defense counsel had evidence from both bodycam video and discovery photos demonstrating the actual bullet impact location. Defense failed to impeach Cline's False Testimony. In addition Defense had from the Defendant a video of bullet fragment recovery from the actual bullet impact site.
4. This False Evidence was confirmed by deputy Ethan R Atkin in bodycam video :
atkin_body_camera_Josh_Ferren_Assault_with_a_weapon.mp4
atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway][Photo images Discovery actual bullet impact location - #3122/#3123]

- wherein Atkin identified the False Photographic Evidence alleged to be the bullet impact location;
- And identified the actual bullet impact location, with photo evidence;
- Prosecution allowed the introduction of the False Photographic Evidence and subsequent False Testimony to substantiate the State's narrative.

Ineffective assistance of counsel by public defender(s) in this case:
1) bullet impact site alleged by Cline Vs actual real bullet impact site
[MCSO did not investigate for bullet fragments. The Defendant did and produced a video of those results showing the recovery of a bullet fragment. Atkin is the verification for the bullet impact location based upon his opinion and war service experience. Atkin was about to do that when interrupted by the defendant's public defender.][actual weapon discharge/bullet impact location is depicted by images #3122/#3123 AND this was not clarified to the jury]
2) knowledge of Cline's violent behavior
[PDs confused 4th of july fight, it was with Chuck Est, not willam est - so the witness answered truthfully that there was no fight (with william est)]
3) statements made to deputy hughes w/o miranda
[that there was (no miranda) should have been pointed out to the jury]
4) it should have been made clear to the jury that there was no 2nd 9-11 call
[the one and only call to 9-11 was from the defendant, there was no 2nd call about a shooting]
5) why was there no interview with willam est
[why was this possible witness only revealed during the trial]
6) "history of aggression" statement made by deputy hughes regarding defendant
[there was no "history of aggression", and this should have been clarified to the jury]
7) the PD's encouragement to the defendant to not testify in his own behalf [PD's stated in a closed conversation to defendant that they were going to win the case, that the county attorney had not met her burden of proof, and there was no need to testify, convincing defendant]

To: **Austin Knudsen Attorney General** Jun 25 at 8:18 PM

Glenn Ferren <gferren@yahoo.com>

To: contactdoj@mt.gov
(fyi)

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL
STATE OF MONTANA,
Plaintiff,

vs.
Joshua David Ferren,

Defendant.

Cause No. DC-31-2024-0000032-IN
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atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway][Photo images Discovery actual bullet impact location - #3122/#3123]

9/2024 : Incident summary:

defendant confronts suspected thief, suspected thief approaches defendant in an aggressive manner, defendant fires gun into ground behind defendant (as a deterrence to possible bodily harm), suspected thief stops. defendant calls sheriffs office approx 6:15pm, deputies arrive approx 7:00pm, defendant details events that have transpired, deputies question suspected thief (Warren Adrian Cline of Portland OR/Oregon City OR age 57 and Paula Nicol (girlfriend of Cline) residing with Charles and Heather Est 320 Cabin City Loop Rd St Regis MT), deputies then arrest defendant (handcuffed/read rights) for (Assault with a weapon, intimidation, resisting arrest). Montana Mineral County August 11, 2024

Josh Ferren/defendant: "What this is missing is I was on a public street waiting for the police to arrive when I was approached by the theft suspect in a threatening manner. I never went after him. Also the girl was on chucks (est) porch and she approached me in the street" "As did Warren"

summary of incident (after more details) ... josh thinks warren cline helped himself to josh's pot and a bar of silver josh had smelted, warren cline has invited himself onto the property on previous occasions to visit/see what josh was doing

josh walks out to the cabin city loop road, walks out to see if all the est vehicles are at home warren clines girlfriend (Paula Nicol) comes out into the street and asks him "are you mad?"

josh replies "yes, warren stole my stuff and I want it back, tell him to bring it back"

josh: warrens girlfriend (Paula Nicol) gets in my face, too close, and I tell her to ..."back the F* up"

warren cline comes out to the loop rd and approaches "aggressively"

josh fires his pistol behind him toward the ferren property

deputies arrive about 30 min after call

josh meets the deputies and says, there he is arrest him

deputies approach warren (cline) and talk to him

deputies return to josh and state "put your drink down, you are under arrest"

josh asks "what for ?" "why are you arresting me and not that thief ?"

deputy atkin replies "intimidation with a weapon"

josh says you have to be kidding me.

josh is sitting in the deputies vehicle, handcuffed, saying you have to be kidding me

deputies pick up his feet and shove them in the vehicle (and charge josh with resisting arrest)

*josh is read miranda rights when handcuffed

josh: (.. "the sheriff was called prior to me going to the street to see if they were home, I knew they would do nothing if they were not home. I never intended to speak to Warren or Deann/ Paula?? Two names I take it?? Warren called her Deann...Also Warren didn’t retreat back to his shack until he tried yelling” I’m not a fucking thief!” That went on for several mins and I started walking back to the property to wait for the sheriff to get there and that’s when the cops showed up. The rest you know. Maybe I'll let the lawyer speak on my behalf...He got right in my face but I didn’t stand down. He was most definitely not afraid for his life or he would have put his hands up and backed away. He did the exact opposite and got louder. Those are not actions of someone afraid.")

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

*Intimidation Vs **deterrence** -- the action of discouraging an action or event through instilling doubt or fear of the consequences.

"nuclear missiles remain the main deterrence against possible aggression"

"a warning shot is a deterrence against imminent death or serious bodily harm"

Intimidation

45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:

(a) inflict physical harm on the person threatened or any other person;

(3) A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

de·ter·rence

the action of discouraging an action or event through instilling doubt or fear of the consequences.

"nuclear missiles remain the main deterrence against possible aggression"

Defendant charged with :

Assault with Weapon 45-5-213(1)(B)

Intimidation 45-5-203(A)

Resisting Arrest 45-7-301(1)(B)

***charge 45-5-213(1)(b)**

45-5-213. Assault with weapon. (1) A person commits the offense of assault with a weapon if the person purposely or knowingly causes:

(a) bodily injury to another with a weapon; or

(b) reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon.

(2) (a) Subject to the provisions of subsection (2)(b), a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both.

***charge 45-5-203(a)**

45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:

(a) inflict physical harm on the person threatened or any other person;

(3) A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

***charge 45-7-301(1)(b)**

45-7-301. Resisting arrest. (1) A person commits the offense of resisting arrest if the person knowingly prevents or attempts to prevent a peace officer from effecting an arrest by:

(a) using or threatening to use physical force or violence against the peace officer or another; or

(b) using any other means that creates a risk of causing physical injury to the peace officer or another.

(2) It is no defense to a prosecution under this section that the arrest was unlawful, if the peace officer was acting under color of the officer's official authority.

(3) A person convicted of the offense of resisting arrest shall be fined not to exceed $500 or be imprisoned in the county jail for any term not to exceed 6 months, or both.

(defendant was handcuffed and sitting in the deputies vehicle when "resisting arrest")

Ryan Funke 406-822-3555 (sheriff mineral county)

Debra Jackson 406-822-3528 (county attorney)

Wally Congdon 406-822-3536 (asst. county attorney)

Deputy Ethan Atkin (arresting deputy) Deputy Jack Hughes assisting Atkins

Sept 12, 2024 - court date - Plea hearing -

Josh: I will plea Not Guilty, and ask that the case be dismissed, if not dismissed I will ask for a jury trial, my defense will be: "I feared for my life and fired my weapon in deterrence of pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 50lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth." --The **Second Amendment** protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense." Also MCA **45-3-102. Use of force in defense of person.** A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force.

I will ask for GPS monitoring to be discontinued.(not necessary and can't afford the $cost - $390 monthly charge)

Misc

Based on having taught NRA & USCCA firearms courses for a number of years, here is what I can tell you. This does NOT constitute legal advice. I am not a lawyer.

Montana does have a statute that allows you to convey that you are armed. If you are "threatened" with bodily harm, it states you "may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon." See 45-3-111 MCA. This statute was enacted to prevent individuals from being charged with "brandishing" if they display, or even draw their firearm, in response to a threat.

HOWEVER that statute in and of itself does not allow you to fire your weapon, i.e.use "deadly force," as part of warning the other person. I suspect the firing of the weapon is what concerns the Sheriff. Montana law only allows use of deadly force (firing your weapon) if it is "necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony." 45-3-102 MCA

Montana law also provides that "the firing of a firearm in the direction of a person, even though no purpose exists to kill or inflict serious bodily harm" constitutes use of deadly force. 45-3-101 MCA

The Montana Shooting Sports Association--a separate group and not part of the Montana Rifle & Pistol Association--does post a list of pro-gun attorneys on their website. See https://www.mtssa.org/attorneys/

Misc

**Josh called atkin a coward in a previous incident when atkin would not make an arrest for assault -- perhaps this played into deputy ethan atkin's "state of mind" during this incident.

Did adkin coach statement from cline/nicol ? did he put words in their mouths ?...."this action caused warren and paula to be frightened for their lives" *note not cline/nicol but familiar first names warren and paula..."in addition warren felt josh was attempting to get him to confess to a theft" ... (see Affidavit of Probable Cause Case 24-275)

What legal training does deputy Atkin have to qualify him to charge "intimidation" Vs "deterrence/self defense" ?

*** is cline being using as a CI by the sheriff's office and drug task force ?

***Josh called sheriffs office twice ... did cline or est call sheriffs office ?

***Ann Marie Davis appointed as attorney 8/30/2024

11/2024 - To: Ann Davis, assigned public defender

Jury Trial - DC-24-32 - Assault with weapon

03/24/2025 9:00am Fourth Judicial District Court, Mineral County

1)Need the date of your filing for Motion to Dismiss with prejudice (which will point out the plaintiff is lacking facts to support their claims/false information in arrest report) ... failure to properly investigate the case (bullet impact location and recovery) also leads to false information in complaint and coaching of incidence statement from Cline/Nicol by deputy Atkin (Cline/Nicol did not call sheriffs office for assistance, and Atkin has personal grievance with Defendant)

and

2)Will need the following results from Discovery asap:

Incident Investigation Report

The Witness Testimony (recorded/written) of :

Warren A Cline

Paula Deanna Nicol

Deputy Ethan Atkin

Deputy Jack Hughes

Firearms Analyst - Montana State Crime Laboratory

The Personnel Records of Deputy Ethan Atkin

Montana prides itself in the states strong support for the second amendment, stand your ground, and castle doctrine. But a California transplant, the county attorney in Mineral County does not share your belief in those rights.

There is a pending court trial in Mineral County Montana in which the Defendant is a Montanan that exercised his right to self-defense and has been charged with Assault with a Weapon and Intimidation. You can disregard the fact that the incident occurred over an alleged theft by the "victim" who has served time for burglary and an instigating argument by the victim's girlfriend who is a convicted methamphetamine user and that the deputies arrest report contains false information. More importantly is the rejection by a state employee of your second amendment right to bear arms and defend yourself. The county attorney is an elected position supervised by the State of Montana.

Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both. This Mineral County attorney has a "colorful" history; google writ of mandamus, brady deputies. It seems common sense is in short supply in the Mineral County Attorney's office. And maybe its about time that Montanans demand better than "grade-school" performance from its professional employees. If held to professional standards, the Mineral County attorney would be on the docket for waste, fraud, and abuse of the office. If you are concerned about protecting your second amendment rights, you should give her a call and let her know. (949) 633-4028 djackson@co.mineral.mt.us djackson@mt.gov (406) 822-3528

12/2024 - Notes on review of "discovery" files, And *outlook documents are not viewable format/should be text or rtf format

*where is the state firearms analyst contribution to the incident (a state witness) ?

*where are witness statements /audio /video / written -- of Warren Cline, Paula Nicol ?

*where is the personnel record of deputy ethan atkin ? (there are two lawsuits against this deputy that are ongoing)

*where is the bullet/where are the bullet fragments recovered from the state submitted bullet impact site image(s) ?, where did the bullet go ? (bullet would travel parallel to the direction of impact, pieces of the bullet would fragment off upon impact) ***see ferren bullet recovery video* *This video should be submitted to be included as evidence in plantiff's defense**

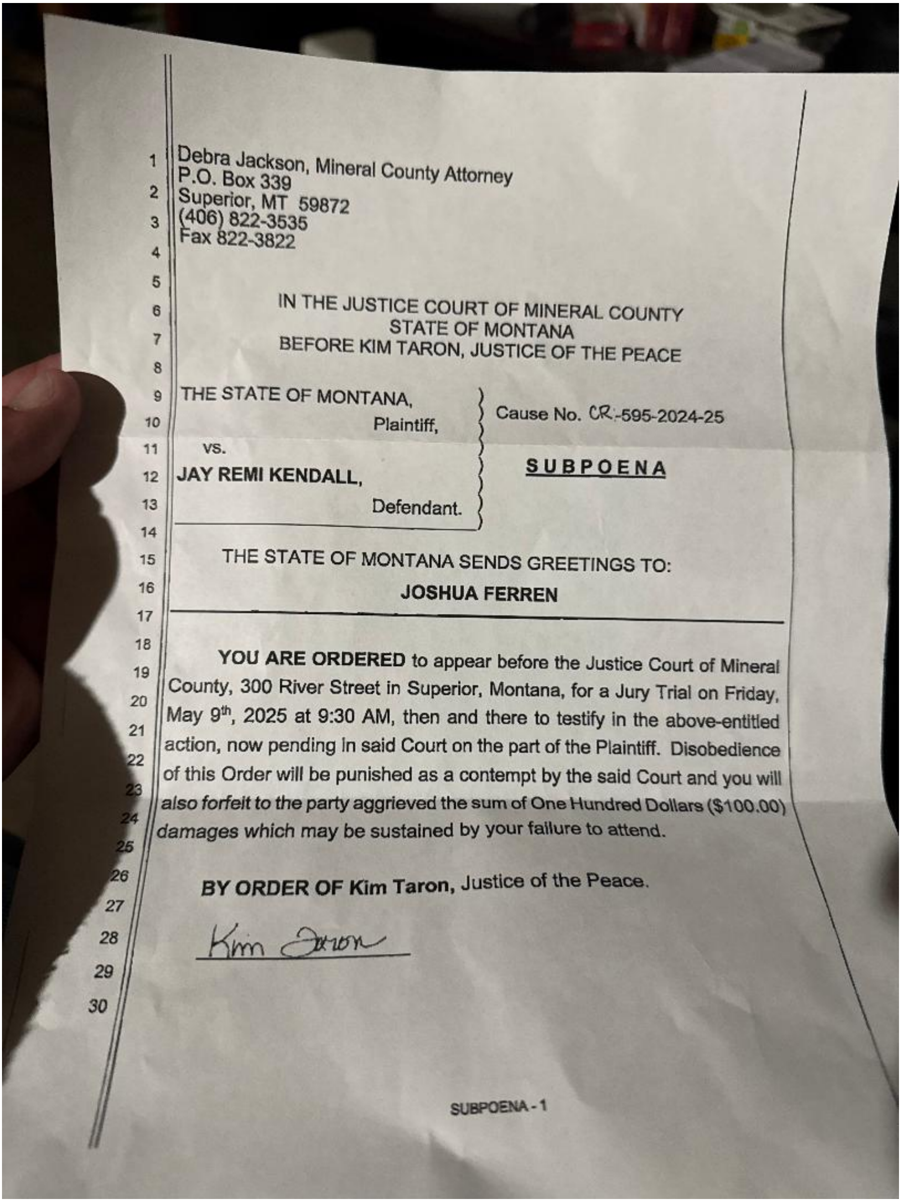
*where is the "information" regarding Mineral county sheriff's office interaction/ record of and number of incidents at 320 cabin city loop road circa 2020 - 2024 , events since Warren Cline's arrival at that residence in 2020 ? (who/what/when/how many)

--NOTICE OF ASSIGNMENT AND REQUEST FOR DISCOVERY #4, g. all police reports relating to the other individuals acting in concert with the defendant. /cline/nicol/est)--#11. All reports or records of prior convictions of defendant, and reports or records of prior convictions of persons whom the prosecution expects to call as witnesses, including any informant referenced in this matter, (cline/nicol)
***Extensive criminal record(s) of both Cline and Nicol (Oregon)**

*also missing is the backseat video of transport to jail, travel from Cabin City to Superior

(review the video of warren in back of the deputies car... 10 minutes ...body language speaks volumes... the cigarette in his hand... he never smokes it... this is a guy that has been in prison and is not liking where he is at in that moment (burglary/assault/possession of heroin/probation violations). *note the clothes he is wearing, same clothes he is wearing when the "investigation" pictures are taken ---> shorts ->>> and no discernible shrapnel wounds to those legs from a bullet "fired at his feet" ... pretty easily explained because there was no bullet fired at his feet and those pictures are not bullet impact sites.

Atkin is incompetent or he's got some personal interest in protecting cline and he has a personal beef with/bias toward joshua ferren>>> as a result of his being called a "coward" by joshua in a previous incident when joshua requested he arrest the neighbor that physically assaulted him (slapped him) and atkin refused the assault complaint (Joshua repeatedly requests that atkin "do his job") , as exhibited by atkin's remark "aggression toward law enforcement" (see remand form)
<next image is jay kendall, assault charge for hands on contact/from an argument over jays dog and its staying at josh’s property with josh’s dogs, josh told him that IF it was a problem he (jay) should keep his dog at home>



Debra Jackson, Mineral County Attorney
P.O. Box 339
Superior, MT 59872
(406) 822-3535
Fax 822-3822

IN THE JUSTICE COURT OF MINERAL COUNTY
STATE OF MONTANA
BEFORE KIM TARON, JUSTICE OF THE PEACE

THE STATE OF MONTANA, Plaintiff, vs. **JAY REMI KENDALL,** Defendant.	Cause No. CR-595-2024-25 **SUBPOENA**

THE STATE OF MONTANA SENDS GREETINGS TO:

JOSHUA FERREN

YOU ARE ORDERED to appear before the Justice Court of Mineral County, 300 River Street in Superior, Montana, for a Jury Trial on Friday, May 9th, 2025 at 9:30 AM, then and there to testify in the above-entitled action, now pending in said Court on the part of the Plaintiff. Disobedience of this Order will be punished as a contempt by the said Court and you will also forfeit to the party aggrieved the sum of One Hundred Dollars ($100.00) damages which may be sustained by your failure to attend.

BY ORDER OF Kim Taron, Justice of the Peace.

Kim Taron

It strongly appears that atkin has an over developed emphasis upon "authority"/his... possibly from his military career (command structure/chain of command/follow orders) ... "It should be noted at this point, he had previously been instructed to not approach Warren until law enforcement arrived."(see **Report Number: 2400000275000**))"...I was unable to determine if a theft of silver or marijuana had occurred."

Note that *nicol approached joshua in cabin city loop road initiating an argument and cline soon joined the argument... vs joshua approaching warren, facts atkin failed to discern.

a basis for **Motion to Dismiss**

1)false information presented by deputy Ethan Atkin regarding charges 1 and 2

2)no witness statements/information reports/records of Cline/Nicol (vs hearsay "statements" of these "victims" submitted by deputy atkin)

3)Failure to meet requirements of Notice of Assignment and Request for Discovery

FYI the county attorney Debra Jackson lives about 2 miles from cabin city loop road as the crow flies and her hired hand of several years (John Smith, yes, his real name) is intimately familiar with the Est family and Warren Cline. There is no way Jackson does not know of the continual interaction between the county sheriff and his deputies and of the multiple incidents at 320 cabin city loop road. The stabbing this year for example comes to mind.

...a thought regarding a charge of "intimidation", it's a broad brush that can be applied , because anyone wearing a side arm intimidates someone, for instance Atkin intimidates me because IF he hasn't shot someone already (personnel record), I get the feeling he will. <Glenn Ferren>

observation: the decision to fire a warning shot indicates that the person firing really does not want to kill anyone Vs law enforcement that does not fire warning shots, fearing for their own lives and in some cases the lives of bystanders and considering the down range liability attached to any shot fired from a gun

(warning shots)

the general consensus is (don't), the predominate conversation is that IF the other guy is really going to hurt you as evident by the intent/ threating approach /gun he has or knife etc, then you just shoot him/ her.

1>now, that neglects the fact that modern handguns shoot rapidly, and a second shot can come in about another "second" of time behind the warning shot

2>it also neglects the fact that the known behavior/history of/ and knowledge of the vices (drugs/drinking) of the "threat" makes it possible that the situation could go either way /so the choice of deterrence/warning may be a consideration by the threatened party... the threat - he/she - could be high enough to be out of their mind and do something really stupid/try to hurt or kill you... or they could realize that they really don't want to die and its time to de-escalate.

3>the history of warren cline.. a convict/arrests for burglary/ assault/possession of heroin/etc ... the history of the est family which includes warren since 2020 (trying to kill each other/ fights in the front yard/ warren's fights with his girlfriend/ drug use and stabbings) ---all have to be used to show that they (warren) all can be dangerous at any given time, depending on how unstable they are at the point in time that you interact with them. ...that's the defense.

>>Josh: I will plea Not Guilty, and ask that the case be dismissed, if not dismissed I will ask for a jury trial, my defense will be: **"I feared for my life and fired my weapon in deterrence of pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren Cline is bigger than I am, outweighs me by 50lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."**

--The **Second Amendment** protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense." MCA **45-3-102. Use of force in defense of person.** A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force.

Joshua was justified in the discharge of his weapon and took the added precaution to discharge that weapon in a safe direction. He had the right to use lethal force in a deadly manner and still had that right after a "warning" shot.

Report Number: 2400000275000 Mineral County--Report Date: 08/11/2024 18:49 (6:49pm) ...at approximately 1849 hours (6:49pm)..I arrived on scene at approximately 1904 hours, (7:04pm) ... interaction with joshua/warren approx 30 minutes ...(photos taken at approx 7:30pm) **"Warren then showed the spot where Joshua had shot in the ground.** I took photographs of it, as well as another hole which he had mistaken for the gunshot. I also observed a spent silver 9mm casing in the area which I also photographed and collected. Warren stated he had been standing in one spot, not acting aggressively threatening towards Joshua when Joshua shot the round off in the ground."...body cam time `stamp arrived at jail 8:07pm`

If this case is not dismissed by a Motion to Dismiss granted by the court to defendant or by Motion to Dismiss this case by the action of the county attorney, we are prepared to make this case and the facts of this case public knowledge via public and social media campaign. There will also be a public and social media call for 2nd amendment supporters regarding this case. There will be no "plea" bargain to any felony charges.

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral County deputy trespassed on the Ferren property to investigate a call of someone shooting a gun. (no warrant/posted property)

That bodycam footage should be part of the discovery information as this occurred after Joshua was arrested.

(The property above the Ferren property has been used for the past (10) years as a shooting range by the former and the current owners. The Est's are aware of this fact, but called the sheriffs office to investigate Joshua Ferren as the person shooting.)

At the time Atkin arrived in cabin city those property owners had already departed and there was no gun fire from their property or any other property in cabin city.

1/2025 - Robert Greenwell
Office of State Public Defender
Public Defender Division
610 N. Woody
Missoula, MT 59802

IN THE JUSTICE COURT, MINERAL COUNTY, STATE OF MONTANA
BEFORE KIM TARON,

STATE OF MONTANA,Cause No. TK-24-977
Plaintiff,
v.
NOTICE OF ASSIGNMENT AND REQUEST FOR DISCOVERY

JOSHUA DAVID FERREN,
Defendant.

The State of Montana, Office of State Public Defender has been appointed to represent Joshua David Ferren, the above-named Defendant. This NOTICE is to inform the Court that Donald Ganzhorn is currently assigned as attorney of record in this matter. All future pleadings, discovery, or other documents should be directed to

Donald Ganzhorn
Office of State Public Defender
610 N. Woody
Missoula, MT 59802
(406) 523-5140
missoulapublicdefender@mt.gov for service of all documents
donald.ganzhorn@mt.gov for correspondence

FURTHER the defendant, by and through counsel makes the following discovery request pursuant to the authority of §§46-15-322 and 327, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland*, 373 U.S. 83 (1963), and *Kyles v. Whitley*, 514 U.S. 419 (1995). The defendant hereby requests that the State produce for inspection and copying, or provide copies of:

Any and all law enforcement agency reports concerning these charges.

All written or recorded statements signed or unsigned confessions, written summaries of oral statements of confessions made by defendant and/or witnesses to these offenses, including all informants and/or potential informants or cooperating witnesses who provided any information relevant to the charges against defendant.

All books, papers, documents, photographs, sound or video recordings and tangible objects which are intended for use by the prosecution as evidence at the trial or were obtained from or belong to defendant.

Copies of any writings, audio or videotapes recorded by any law enforcement official or other interested parties cooperating with investigating authorities dealing with all incidents out of which the charges arose, including but not limited to:

a. law enforcement reports;
b. law enforcement logs and detention facility logs;
c. booking sheets;
d. mug shots or photographs;
e. witness statements;
f. notes made by law enforcement officials to be used at trial; and
g. all police reports relating to the other individuals acting in concert with the defendant.
h. all audio or video recordings of in custody phone calls, video calls, 911 audio or transcripts or other conversations involving the defendant.
i. all emails, letters, texts messages, or any other written statement made by the defendant including any electronic communications, and/or handwritten communication.

5. If photographs, sound or video recordings were taken of any matter relevant in this case:

a. the name of the person who took the photographs or acted as the technician for sound or video recordings;

b. the time the photographs, sound or video recordings were taken;

c. the location at which they were taken;

d. the present location of any photographs, sound or video recordings; and

e. whether any photographs, sound or video recordings taken of the victim were subsequently altered, edited, destroyed or discarded and, if so, at whose direction or request was this action taken and, was it taken pursuant to any policy, procedure, guideline, or written direction.

6. Copies of any and/or all scientific reports in this matter, and all other related matters involving co-defendants, including but not limited to any notes, documents, raw test data, testing protocols and procedures, and any or all reports/rough drafts of reports produced by all experts, lab technicians or their employees who were or are involved in any manner with scientific testing, evaluation, observation or analyzing; and directing the preparation of reports by such individuals if in fact no identifiable reports were ever produced of the same; directing the state to provide immediate advance notice of any testing or analysis to be performed; directing that no expert or other scientific personnel be allowed to testify to any matter not covered in the documentation provided to defendant counsel; and directing that no expert whose complete notes, reports and any other files and documentations of their work that was not timely provided to the defense be allowed to testify for the state for any purpose whatsoever at any proceedings to be held in this matter.

7. To produce for inspection and copying, when feasible, all items of physical evidence in its possession and control relevant in this matter, which include but are not limited to the following:

a. all clothing, photographs, personal articles, and/or writings taken from the defendant; and

b. any other items seized pursuant to any investigation performed in this matter.

8. Any other evidence obtained by observation of law enforcement or witnesses intended to be used against Defendant at trial that is not part of a written police report furnished to defendant counsel.

9. A written list of the names and addresses of all persons (including law enforcement officers) whom the prosecution expects to call as witnesses at the trial, together with the last known telephone numbers for all such individuals. Names of any law enforcement officers or any other persons who informed the defendant of his/her Miranda rights and/or implied consent rights, including the times and places where the rights were given.

10. Names and addresses of any persons the prosecution intends to call as witnesses at the trial of this matter that may have information regarding the guilt or innocence of the defendant.

11. **All reports or records of prior convictions of defendant, and reports or records of prior convictions of persons whom the prosecution expects to call as witnesses,** including any informant referenced in this matter, and records of any youth court referrals of adjudications for, or any witnesses who are youths under the age of 18, or for adult witnesses who had such juvenile records.

12. Any and all material now known to the prosecution, or which may become known, or which through due diligence may be learned from the investigating officers or the witnesses in this case which is exculpatory in nature or favorable to defendant or which may lead to exculpatory material. This request includes any evidence that would tend to negate the guilt of defendant, mitigate the degree of the offense, or reduce the punishment. **It also includes any and all evidence tending to cast doubts on the veracity, bias and/or interest whatsoever of any witness in these proceedings, as so-called "impeachment" evidence,** including any and all favors extended to any informants and/or state's witnesses by the state, federal authorities, or any agent of the state or other law enforcement authorities cooperating with the prosecution or agents of the government.

13. Any and all records and information revealing any defect or defects of the capacity of any of the state's witnesses to perceive, observe, recall or recount events, specifically including, but not limited to, all such records and information in any way related to or connected with the mental capacity, competency, alcohol or drug addiction, disease, mental disorder, diagnosis, counseling and/or prognosis of any such witnesses, which are known to the state or its agents, or which should have been discovered under the exercise of reasonable diligence. Specifically, and as to any informants, it is requested that any drug and/or alcohol addiction, or pattern/habit of taking illegal drugs of such individuals be disclosed.

14. **Any and all other records of any witness and/or informant, available to the prosecution, including criminal investigative and/or court convictions, arrest, probation and/or parole, medical, psychiatric, psychological or social service records, files and/or information** which arguably could be useful to the defendant in impeaching or otherwise detracting from the probative force/value of the State's evidence or which arguably could lead to such records or information, specifically including, but not limited to:

a. **anything which tends to indicate a defect or deficiency of character for truthfulness** and/or to show partiality (prejudice, bias, motive, interest, and/or corruption) on the part of the witnesses;

b. all statements, written or verbal, relative to the charges, made by the witnesses and/or informants, to law enforcement officers, probation or parole officers, licensed mental health professionals, or any other agents of the state or federal government involved in this case; and

c. any and all information regarding personal relationships or acquaintances any law enforcement officer involved in these cases previously had, or currently has with any witness and/or informant, or any favor, benefit, or act of non-prosecution or failure to investigate any potential criminal act such law enforcement officers have extended or are extending to such witnesses and/or informants.

MEMORANDUM OF AUTHORITY

Defendant's Request for Discovery is based upon § 46-15-322 through §46-15-329, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland*, *supra*, and *Kyles v. Whitley*, *supra*. The requests made are done so with the intention of fully seeking all information discoverable under the above cited authority, and extends to information within the knowledge, possession and control of the state and federal authorities and all other agents, officers and/or informers who have participated in the investigation of this case.

Further, it is specifically requested that the State and its agents update this information as they receive new information, documents and evidence in this matter.

Dated this 22nd day of August, 2024.

/S/Robert Greenwell

<The State, Debra Jackson County Attorney, did not provide any evidence/discovery of Warren Cline's criminal history (Oregon public records) or of the multiple interactions between Cline and

the Ests during the timeframe from 2020 – 2024 with the Mineral County Sheriffs Office. The public defenders office did not provide Cline's criminal history, I (Glenn Ferren) provided that information to anne davis and suzanne marshall>

1/2025 - #1*need Warren A Cline's DOB and/or SSN# to run montana criminal background check

#2** need GPS removed -- curfew associated with monitoring is preventing Joshua from work due to restraint on travel time to offsite jobs... company works jobs in locations that require more travel time to/from job site in order to fulfill hours of work required on the job. Joshua has been put on "off" list and is not getting work.

Summary re: family at 320 cabin city loop road, St Regis MT

est family -- victor and betty est lived at 320 cabin city loop

victor died of cancer and betty has since died of cancer

while victor was alive charles(chuck) est and heather est did not visit the est property

after victor died betty invited chuck and his family to live with her at 320 cabin city loop

the ests (chuck and heather) were outside the mainstream of society, as regards the ant and the grasshopper - they were not/are not the ant

they were harmless and for the most part stayed on their property, they do have a son that I think has been given a disability status (he would stand outside in their yard and scream at the top of his lungs), I hear chuck also managed to get a social security disability for a back injury.

chuck and heather worked for brooke lincoln, but the job ended after chuck made some unsavory remarks to brooke and I heard heather was accused of theft.

they left cabin city for about 3 years, moving to hibbing minnesota where they had relatives

Upon their return to cabin city, chuck remarked to me (Glenn Ferren) one day while I was putting up a gate at our driveway entrance to cabin city loop road that "everyone was on meth and I was tired of getting busted for smoking pot" apparently in 2020, warren cline moved in with chuck and heather (his sister) , warren had lived in Crook County Oregon

there have been incidents at 320 cabin city loop road involving the MC Sheriffs Office, one such incident was when chuck's son tried to kill warren with a machete .

warren adrian cline has a record of having served time for burglary (oregon) and for possession of heroin and an extensive interaction with Oregon law enforcement/courts (parole violations, etc)

paula deanna nicol has a record of Methamphetamine use (oregon), lots of interaction with Oregon law enforcement/courts and there is some reference on social media to children (or grandchildren) being taken by the state of oregon

ethan r atkin is ex military (Iraq) and apparently is getting payback after joshua called him a coward, -- it seems atkin coached the statements made by cline and nicol when joshua was arrested by atkin for intimidation (warren and paula as he referred to them) --"the action caused warren and paula to be frightened for their lives" (affidavit of probable cause) when joshua discharged his pistol (instead of running, warren stood facing joshua and continued to yell at joshua, after the pistol discharge....showing astounding calm and bravery for someone frightened for his life.

In the **Information** by the county attorney (debra ann jackson) **false information** to support the charge(s) is entered:

"mr ferren did so by discharging a weapon into the ground next to warren cline ..."

Joshua Ferren discharged his weapon behind his body and toward his own property, in the opposite direction from warren adrian cline and the est property, nowhere close to warren adrian cline or anyone else present at the time.

this false information appears again in the document and there apparently was no investigation of the incident with detailed findings to support the accusations.... relying solely upon the statements of deputy ethan r atkin.

debra jackson appears to be a california transplant to mineral county, does not appear to represent montana's support for the 2nd amendment, her office was involved in the hiring of deputies without proper qualifications for the job, deputies that had previous rape allegations, a deputy that had sex with someone he had arrested, and "brady" deputies.

Warren Adrian Cline

VIOLATION DRIVING WHILE SUSPENDED OR REVOKED

POSSESSION OF HEROIN

BURGLARY IN THE SECOND DEGREE

Oregon judicial dept - records search – Cline Warren A (nothing since 2017, burglary/theft in 2010--case # 10FE0091 -- 8/30/2010 | State of Oregon VS. WARREN A CLINE -- probation violation -- case #12FE0158 -- failure to appear in the 1st degree -- appears probation continued thru 2015 or 2016)

Paula Deanna Nicol

ILLEGAL ALTERATION OR DISPLAY OF A REGISTRATION PLATE

Background info -- Paula D Nicol Paula Deanna Nicol

19CR57037 | State of Oregon vs PAULA DEANNA NICOL

1 Criminal Driving While Suspended or Revoked 811.182(3) Felony Class B 08/29/2019

2 **Unlawful Possession of Methamphetamine** 475.894(2)(a) Misdemeanor Class A 08/29/2019

Warren Adrian Cline Born Aug 1967

violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violation | violation driving while suspended

| disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id

Offense Date

Jan 17, 2015

Crime Location

Wheeler, OR

Possession of heroin

First Name Paula Middle Name Deanna Last Name Nicol

Birth Information Age52 Born Oct 1972

Deanna Paula Nicol Deanna Paula Jordan Deanna P Nicol Paula Deanna Jordan D Jordan P Jordan Deanna

Charges/Offenses

violation of basic rule | violating the basic speed rule | parole violation. | parole violation. dws felony | viol ignition interlock device installation condition | criminal driving while suspended or revoked | assault 4th deg - 4- domestic abuse | failure to appear 2nd deg | failure to appear in the second degree | driving uninsured | disorderly conduct in the second degree | disorderly conduct | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | drive under influence intox | parole violation. | probation violation | sanc probation sanction | exceed maximum speed | criminal mischief in the second degree | careless driving

1/2025 - Some observations and a current review of Joshua Ferren case (CL), discovery, witnesses

re: the Motion to Dismiss for lack of speedy trial (generally will fail due to accepted "institutional delays") the right to a speedy trial is not being upheld in recent years, the courts get a pass because of their "workload".

"Institutional delays" in the context of a speedy trial refer to delays in a criminal case caused by systemic issues within the court system itself, such as overloaded dockets, staff shortages, lack of available courtrooms, backlogs in forensic testing, or inefficient administrative procedures, which can prevent a defendant from receiving a timely trial, despite their constitutional right to a speedy trial.

These delays can stem from various factors including a high volume of cases, insufficient judges, complex legal procedures, delays in witness availability, and issues with evidence gathering or processing.

date of arrest : 8/11/2024

***is there body cam video of CL being read his rights at the arrest ?**

"initial discovery shall be completed by November 23, 2024. Discovery
disputes shall be raised no later than twenty-one (21) days prior to trial (or at the time of the final pre-trial, whichever is earlier);"

"All material obtained by electronic surveillance has been supplied to the
Defendant: Atkin Body Camera Video, Atkin Bod Cam Video weapon, Back Seat Video, Body Cam Ferren — Hughes Video, Body Cam Jail Asst Video (1-2), Booking Jail 1-2, Ferren Video '1-2, Ferren Cam Turned in (1-2)"

observation note: image 3119 , image 3120 ...are NOT where the weapon discharge bullet impacted, image 3122/3123 are bullet impact location (several feet away from/opposite direction from the "victims/cline" location during the incident)

warren cline 08/18/1967 height 6.0 weight 210 age 56 yrs old,

paula nicol 10/06/1972 (stated on her facebook page "recovering alcoholic")

joshua ferren height 5'10" weight 130, age 41

ReportNumber:2400000275000 MineralCounty Page 1of8

review "narrative" by deputy atkin (for state of mind of deputy atkin at time of arrest)

Report of theft resulting in arrest for assault with weapon.
(body of narrative)
ending statement:
Due to the lack of evidence as well as the uncooperative behavior of Joshua, I was unable to determine if a theft of silver or marijuana had occurred.

(a pattern of behavior exists of no arrest for previous assault incident involving CL and another neighbor, and no investigation of theft in this incident involving CL, it seems deputy atkin picks and choses what his "service" will be in an arbitrary manner when it comes to Client/defendant.)

Witnesses for the state:
Warren A Cline
Paula Deanna Nicol
Deputy Ethan Atkin
Deputy Jack Hughes
Firearms Analyst - Montana State Crime Laboratory

The Court sets a Final Pre-Trial Conference for Monday, February 3rd, 2025, at 9:00 a.m. before the Hon. Judge Halligan.

The Court sets an Attorney's Conference for Friday, March 21st, 2025, at 2:30 p.m. before the Hon. Judge Vannatta.

The Court Orders the State's Jury Instructions due by Monday, March 10th, 2025, with the Defense's Alternate Instructions and any objections due by Monday, March 17th, 2025.

The Court sets a Jury Trial in this matter for Monday, March 24th, 2025, at 9:00 a.m. before the Hon. Judge Vannatta.

County attorney/state has failed to provide (all) discovery materials as of this date 1/7/2025

1)state's witness statements (Cline/Nicol)

2)personnel records of deputy atkin

3)discovery materials related to criminal records of Cline/Nicol

4)records of mineral county sheriff's office interactions/criminal/ and civil standby incidents/ with Cline/Est , incidents involving county sheriff/deputies at 320 cabin city loop rd, circa 2020 - 2024

5)backseat video cam footage of transportation of Joshua Ferren (travel time) to Mineral County jail facility for booking

6)body cam footage of trespass of deputy ethan atkin on Ferren property date of 10-20-2024

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral County deputy trespassed on the Ferren property to investigate a call of someone shooting a gun. (no warrant/posted property)

The bodycam footage should be part of the discovery information as this occurred after Joshua was arrested.

The State has failed to provide (all) discovery materials. Importantly - Cline/Nicol statements/criminal records, the personnel records of deputy ethan atkin, the Firearms Analyst submittal to state's prosecution , incidents involving sheriff's office and 320 cabin city loop rd

(see) Request for discovery:

The defendant hereby requests that the State produce for inspection and copying, or provide copies of:

Any and all law enforcement agency reports concerning these charges.

2. All written or recorded statements signed or unsigned confessions, written summaries of oral

statements of confessions made by defendant and/or witnesses to these offenses, including all informants and/or potential informants or cooperating witnesses who provided any information relevant to the charges against defendant.

3. All books, papers, documents, photographs, sound or video recordings and tangible objects which are intended for use by the prosecution as evidence at the trial or were obtained from or belong to defendant.

4. Copies of any writings, audio or videotapes recorded by any law enforcement official or other interested parties cooperating with investigating authorities dealing with all incidents out of which the charges arose, including but not limited to:

  a. law enforcement reports;
  b. law enforcement logs and detention facility logs;
  c. booking sheets;
  d. mug shots or photographs;
  e. **witness statements**;
  f. notes made by law enforcement officials to be used at trial; and
  g. all police reports relating to the other individuals acting in concert with the defendant.
  h. all audio or video recordings of in custody phone calls, video calls, 911 audio or transcripts or other conversations involving the defendant.
  i. all emails, letters, texts messages, or any other written statement made by the defendant including any electronic communications, and/or handwritten communication.

5. If photographs, sound or video recordings were taken of any matter relevant in this case:

  a. the name of the person who took the photographs or acted as the technician for sound or video recordings;
  b. the time the photographs, sound or video recordings were taken;
  c. the location at which they were taken;

d. the present location of any photographs, sound or video recordings; and

  e. whether any photographs, sound or video recordings taken of the victim were subsequently altered, edited, destroyed or discarded and, if so, at whose direction or request was this action taken and, was it taken pursuant to any policy, procedure, guideline, or written direction.

6. Copies of any and/or all scientific reports in this matter, and all other related matters involving co-defendants, including but not limited to any notes, documents, raw test data, testing protocols and procedures, and any or all reports/rough drafts of reports produced by all experts, lab technicians or their employees who were or are involved in any manner with scientific testing, evaluation, observation or analyzing; and directing the preparation of reports by such individuals if in fact no identifiable reports were ever produced of the same; directing the state to provide immediate advance notice of any testing or analysis to be performed; directing that no expert or other scientific personnel be allowed to testify to any matter not covered in the documentation provided to defendant counsel; and directing that no expert whose complete notes, reports and any other files and documentations of their work that was not timely provided to the defense be allowed to testify for the state for any purpose whatsoever at any proceedings to be held in this matter.

7. To produce for inspection and copying, when feasible, all items of physical evidence in its possession and control relevant in this matter, which include but are not limited to the following:

  a. all clothing, photographs, personal articles, and/or writings taken from the defendant; and
  b. any other items seized pursuant to any investigation performed in this matter.

8. Any other evidence obtained by observation of law enforcement or witnesses intended to be used against Defendant at trial that is not part of a written police report furnished to defendant counsel.

9. A written list of the names and addresses of all persons (including law enforcement officers) whom the prosecution expects to call as witnesses at the trial, together with the last known telephone numbers for all such individuals. Names of any law enforcement officers or any other persons who informed the defendant of his/her Miranda rights and/or implied consent rights, including the times and places where the rights were given.

10. Names and addresses of any persons the prosecution intends to call as witnesses at the trial of this matter that may have information regarding the guilt or innocence of the defendant.

11. **All reports or records of prior convictions of defendant, and reports or records of prior convictions of persons whom the prosecution expects to call as witnesses,** including any informant referenced in this matter, and records of any youth court referrals of adjudications for, or any witnesses who are youths under the age of 18, or for adult witnesses who had such juvenile records.

12. Any and all material now known to the prosecution, or which may become known, or which through due diligence may be learned from the investigating officers or the witnesses in this case which is exculpatory in nature or favorable to defendant or which may lead to exculpatory material. This request includes any evidence that would tend to negate the guilt of defendant, mitigate the degree of the offense, or reduce the punishment. **It also includes any and all evidence tending to cast doubts on the veracity, bias and/or interest whatsoever of any witness in these proceedings, as so-called "impeachment" evidence, including any and all favors extended to any informants and/or state's witnesses by the state, federal authorities, or any agent of the state or other law enforcement authorities cooperating with the prosecution or agents of the government.**

13. Any and all records and information revealing any defect or defects of the capacity of any of the state's witnesses to perceive, observe, recall or recount events, specifically including, but not limited to, all such records and information in any way related to or connected with the mental capacity, competency, alcohol or drug addiction, disease, mental disorder, diagnosis, counseling and/or prognosis of any such witnesses, which are known to the state or its agents, or which should have been discovered under the exercise of reasonable diligence. **Specifically, and as to any informants, it is requested that any drug and/or alcohol addiction, or pattern/habit of taking illegal drugs of such individuals be disclosed.**

14. **Any and all other records of any witness and/or informant, available to the prosecution, including criminal investigative and/or court convictions, arrest, probation and/or parole, medical, psychiatric, psychological or social service records, files and/or information which arguably could be useful to the defendant** in impeaching or otherwise detracting from the probative force/value of the State's evidence or which arguably could lead to such records or information, specifically including, but not limited to:

    a. anything which tends to indicate a defect or deficiency of character for truthfulness and/or to show partiality (prejudice, bias, motive, interest, and/or corruption) on the part of the witnesses;

    b. all statements, written or verbal, relative to the charges, made by the witnesses and/or informants, to law enforcement officers, probation or parole officers, licensed mental health professionals, or any other agents of the state or federal government involved in this case; and

    c. **any and all information regarding personal relationships or acquaintances any law enforcement officer involved in these cases previously had, or currently has with any witness and/or informant, or any favor, benefit, or act of non-**

prosecution or failure to investigate any potential criminal act such law enforcement officers have extended or are extending to such witnesses and/or informants.

>>>Personal injury case against ethan r atkin , dog watch of montana llc- Michael Zacharaisen

McCracken v. Atkins et al Case #: 9:24-cv-00060

Nature of Suit 440 Civil Rights - Other Civil Rights

Cause 42:1983 Civil Rights Act

Defendant Ethan Atkins Defendant Eric Lindauer

Defendant Mineral County Sheriff's Department

Plaintiff Stewart A. McCracken (complaint ifp/prisoner -- **case dismissed** 9/2024)

Ethan Atkin worked for the Missoula County Detention Center. (?)

State/County principal witnesses/"victims"

Warren A Cline - multiple arrests/charges - Crook County OR (Burglary, Assault, Possession of Heroin, etc)

Paula Deanna Nicol multiple arrests/charges, OR (methamphetamine, etc)

*prior incidents of note at 320 cabin city loop (est/cline) involving mineral county sheriffs dept. (except fireworks fight) ... cline takes down brother-in-law over fireworks dispute, est boy tries to kill cline with machete, cline and nicol domestic disputes/fights, and stabbing of est boy by girlfriend (2024). there could be more incidents we are not aware of.

1/2025 - I *wonder if Cline/Nicol have any still active warrants in Oregon. (Crook County Oregon)

Both spent the last couple of decades in the court system in Oregon, were they actually clear of all charges/convictions when they decided to relocate to 320 Cabin City Loop Road ?

Can you fire a "warning shot"

When it comes to the right of self-defense/the "law" does not say you cannot fire a warning shot.

If you interpret the laws related to our right to own a firearm and to self-defense to say you cannot fire a warning shot, then the law is requiring you to kill.

Most of us are taught all our lives not to kill our fellow man.

As a human being you have the choice to offer a choice when your life is threatened - stop (warning shot) or you will be killed.

Modern firearms can be fired multiple times, a full clip, multiple shots, can be fired in seconds. Firing a warning shot does not prevent you from firing a killing shot.

Fastest shooter EVER, Jerry Miculek- World record 8 shots in 1 second (with a revolver)

Shooting (2) shots in less than (4) seconds is reasonable with the S&W MP Shield.

A practiced shooter can likely fire (2) shots in (2) seconds.

Many of our law enforcement officers are ex-military (deputy ethan atkin for example) and they have been taught to kill. A warning shot is not something law enforcement will consider based on their training to react instinctly and quickly to permanently remove a threat. They are also encouraged not to fire a warning shot based on down-range liability, if they should miss their intended target. The "million-dollar bullet" liability concept.

More than 600 people are killed by law enforcement in the U.S. each year.

Warning Shots Revisited

NCJ Number 173165

Journal Law and Order Volume: 46 Issue: 4 Dated: April 1998 Pages: 96-99

Author(s) D E Mulroy; J Santiago Date Published 1998 Length 4 pages

Annotation

This article examines the danger, value, and legality of the police use of warning shots to gain compliance from a suspect.

Abstract

Many police departments have had a policy against warning shots for years. Such a policy is due to the concern that a warning shot may be misplaced and result in unintended injury or death to a suspect or bystander. On the other hand, there is evidence that a safely placed warning shot can shock a suspect into compliant behavior that precludes shooting the suspect. Thus, warning shots may prevent injury or death rather than cause it. In reviewing dozens of cases in which officers or civilians fired a warning shot, the authors found the shots were effective in the vast majority of cases, and no further shots were fired. Case after case showed that criminals ceased to flee and surrendered, even though they had committed serious crimes. In the cases where warning shots were fired, the arrests remained valid; and the courts were not concerned about the use of warning shots. Research shows that warning shots have resulted in little legal litigation. If an officer's option is to fire a safely placed warning shot or shoot to kill or incapacitate a suspect, the option of the warning shot is less likely to lead to a civil action against the department. Perhaps it is time to look at the possible use of warning shots in certain cases in which it would be an alternative to injury or death.

https://www.ojp.gov/ncjrs/virtual-library/abstracts/warning-shots-revisited

1/2025 -Talking to a reporter recently and noticed he "keyed" in on the words in atkin's report - "scare tactics". Taking into consideration a GED level defendant, those words were what popped into his head as his normal speech, but the prosecution will push that statement regardless of his education level.

(his statement and the word deterrence should be emphasized)

"I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 50lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

<Warning shots case law>

Court News Ohio

Warning Shot Enough for Jury to Consider Self-Defense Claim

By Dan Trevas | March 7, 2024

https://www.courtnewsohio.gov/cases/2024/SCO/0307/221482.asp

Court ruled a man who fired a warning at another man during a gas station altercation was entitled to argue self-defense.

A Clark County man was entitled to argue self-defense when he intentionally shot toward a person, and was not required to show he intended to kill or harm the man who threatened him, the Supreme Court of Ohio ruled today.

In the Court's lead opinion, Justice Melody Stewart stated that the Ohio self-defense law does not require an intent to harm or kill another, just the "intent to repel or escape force." Shooting toward another with the intent to stop an aggressor is sufficient to justify a self-defense jury instruction, she concluded.

Justice Stewart explained that the lower courts wrongly concluded that to argue self-defense, the accused must show that they acted with the intent to harm or kill another person. She wrote that the self-defense law, R.C. 2901.05(B)(1), is available to those who present evidence that tends to support their claim that they used force "in self-defense, defense of another, or defense of that person's residence." Nothing in the statute specifies the accused must act with intent to kill or harm another.

2022-1482. State v. Wilson, Slip Opinion No. 2024-Ohio-776.

Is Firing Warning Shot Enough to Have Jury Consider Self-Defense Claim

https://www.courtnewsohio.gov/cases/previews/23/0926/0926.asp#OA221482

Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force.

Part 1. When Force Justified

Use Of Force By Aggressor

45-3-105. Use of force by aggressor. The justification described in 45-3-102 through 45-3-104 is not available to a person who:

(1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or

(2) purposely or knowingly provokes the use of force against the

person, unless:

(a) the force is so great that the person reasonably believes that the person is in imminent danger of death or serious bodily harm and that the person has exhausted every reasonable means to escape the danger other than the use of force that is likely to cause death or serious bodily harm to the assailant; or

(b) in good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that the person desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

Part 1. When Force Justified

No Duty To Summon Help Or Flee

45-3-110. No duty to summon help or flee. Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.

Part 1. When Force Justified

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

("victim" - is a known drug user, domestic disputes/violence w/ girlfriend, fight w/brother-in-law, size difference between plantiff and "victim" - 130lbs V 200+lbs, extensive Oregon criminal history of "victim" including assault charges, the threat is a serious beat-down or worse from the "victim" depending on the "victims" mental state and what he might be high on - * what did "victim" do after warning shot fired ? run ? cry ? call sheriff's office ??) /Complaining Witness = “victim”

Part 1. When Force Justified

Use Of Force In Defense Of Occupied Structure

45-3-103. Use of force in defense of occupied structure.

Part 1. When Force Justified

Use Of Force In Defense Of Other Property

45-3-104. Use of force in defense of other property

This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States (see back panel for list). The policy reflects the best thinking of all consensus organizations and is solely intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.

> > > > 3. Deadly Force Restrictions

a. Deadly force should not be used against persons whose actions are a

threat only to themselves or property.

b. Warning shots are inherently dangerous. Therefore, a warning shot

must have a defined target and shall not be fired unless

(1) the use of deadly force is justified;

(2) the warning shot will not pose a substantial risk of injury or death

to the officer or others; and

(3) the officer reasonably believes that the warning shot will reduce

the possibility that deadly force will have to be used.

https://www.theiacp.org/sites/default/files/all/n-o/National_Consensus_Policy_On_Use_Of_Force.pdf

1/2025 - **atkin helps identify actual location of cline during incident, *clines indication of the discharge location - image # IMG_3119 (Motion and Affidavit for Leave to File an Information - 15. *Mr. Cline took officers to the location where he was when Mr Ferren discharged his weapon. ... Mr. Cline said he was in one location ...) The location Cline was in is NOT the location of the bullet impact from the weapon discharge - see # IMG_3122** *atkin was not a witness to the argument/incident/weapon discharge

<Press ctrl and click on html link below for video>

weapon discharge bullet impact location

County Attorney has failed to provide discovery

date for discovery to be completed: The Court sets a Final Pre-Trial Conference for Monday, February 3rd, 2025, at 9:00 a.m. before the Hon. Judge Halligan.

(Omnibus Hearing Memorandum -- Initial discovery shall be completed by November 23, 2024. Discovery disputes shall be raised no later than twenty-one (21) days prior to trial (or at the time of final pre-trial, whichever is earlier)

>>>email to Joshua Ferren, review of PD files OPD portal **1/26/2025**

evidently the PD did a motion to dismiss based on the discovery issue, I see a reply from the county attorney to that motion, do not see the PD's motion itself... the county attorney says she has supplied all discovery. there are still outlook files that we can't read, most of them look like emails from me to the PD, but there is one I see from the county attorney to the PD (can see the file, can't read the file - I've mentioned this to the PD more than a couple of times in the email communications), I believe there is a pre-trial hearing in feb. between the PD, county attorney, and judge.

discovery I have not seen: written/audio witness statements of cline/nicol, bodycam of atkin trespassing, criminal records of cline/nicol, personnel records of deputy atkin, discovery on mineral county sheriff's office interactions with est/cline family 2020 - 2024

2/2025 - thanks for the assessment Mat, here's a brief summary of events:

Josh called the sheriffs office, requested their presence on the scene

walked to the street to see if the alleged thief's (warren cline) vehicle was at home.

Warren clines girlfriend saw josh in the street, approached josh, and started a conversation. Josh told her to tell warren to give his stuff back.

Warren came into the street, angry and aggressive.

josh fired a warning shot. Warren continued to argue, did not run, did not express any fear, did not call 911. (in fact, the ests/cline are very unhappy that Josh called the sheriffs office)

the contention on the warning shot was that warren claimed it was aimed at his feet, on his side of the road, when in fact that did not happen. He directed the deputy to the impact location which was a rock someone had kicked out of the road. (he was lying) the deputy located the actual impact location exactly where josh put the round. what warren did in effect was actually tell the deputy where he was standing at the time of the incident by his indication of where (he) said the bullet hit. at the point of the aggressive approach by warren joshua had the right to self-defense, whether warning shot or fatal shot, he took the first option. ... I'll explain that next ...

....ok, here's the deal, josh often wears a handgun, had just returned from cutting wood or otherwise occupied in the woods, did not take a handgun to an argument per se.

And josh is familiar with warren and the ests (warrens relatives, they all live at 320 cabin city loop)...having watched warren (6' 210lbs/ josh 5'10 130lbs) take down his brother-in-law chuck est (near the same weight as warren) in a yard fight, knew the family used drugs... from marijuana to meth... knew that warren slapped his girlfriend around (recent previous incident)... knew that the est boy had tried to kill warren with a machete, knew that the est boy had been stabbed by his girlfriend a couple of months before... basically did not know what warren might do, depending on how high he might be. (warren has served time for burglary, assault, and possession of heroin, he relocated from oregon in 2020 to the cabin city residence)

So, you have a known known that the est/cline family is unstable and erratic and potentially dangerous on any given day. (warrens girlfriend is a convicted meth user, "recovering" alcoholic, and it appears had her (3) children removed by Oregon (the youngest of those being warrens child).

we can agree that josh should have stayed in his house and the deputies should have made an investigation into the theft.

for the last few years, things seem to have amp'd up at the est location since 2020, josh has called the county sheriff repeatly on things like loud music in the middle of the night coming from 320 cabin city loop rd, he says they don't respond to his calls. It seems the est crew keep late hours in st regis and come home late and turn up the tunes. little stuff, big irritation to someone that gets up at 5am to work until 8 pm some days. But in regards to the other incidents I have mentioned, **the Mineral County sheriff's office has been at 320 cabin city loop often enough over the last (4) years that they should have their own parking spot.**

In light of the fact that the state/county attorney's star witnesses have extensive criminal backgrounds and that there is still missing "discovery" items, I had hoped the case would be dismissed. We know the Oregon criminal history, and it seems reasonable to believe their is Montana criminal history that would be relevant. Jackson claims she has supplied "all" the discovery in the case. (note that lance jasper took *her to task for her job performance, I don't share your evaluation of her skills)

> looked at PD files today, do not see missing discovery items:

> 1)statements (in any format) from witnesses warren cline/paula nicol

> 2)the body cam video from atkin trespass on ferren property

> 3)the criminal history to be supplied by county attorney on their witnesses (cline/nicol)

> 4)the video of arrest and reading of rights before transport to Superior

> 5)the history of mineral county sheriffs office response(s) to calls at 320 cabin city loop rd (2020 - 2024)

> 6)the personnel record of deputy ethan atkin (especially re missoula county employment)

*regarding the above, d. jackson lives about 2 miles from the cabin city property, and her hired man for several years now is intimately familiar with the ests, its unlikely that she does not know the reputation of and county sheriff's interaction with the est/cline family.

Now, knowing the above does your evaluation of the case change ?

2/2025 - where is this video, state says it has been provided

> > > atkin body cam video assault with a weapon (exhibit 1)

does not download from PD file cabinet with "download all"

2/2025 - *Excellent job on the motion to dismiss regarding discovery, Thanks!
(both motions to dismiss actually!)

MOTION TO DISMISS FOR FAILURE TO PROVIDE OR PRESERVE EXCULPATORY EVIDENCE AND SUPPORTING BRIEF

2/9/2025 - a current status review/discovery/misc observations:

reference numbers (>) to discovery request document sections ....noted in the list of missing discovery items below :

Request for Discovery was initiated in August 2024, the State has had ample time
to provide (all) discovery in this matter.

FURTHER the defendant, by and through counsel makes the following discovery request pursuant to the authority of §§46-15-322 and 327, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland*, 373 U.S. 83 (1963), and *Kyles v. Whitley*, 514 U.S. 419 (1995).The defendant hereby requests that the State produce for inspection and copying, or provide copies of:

1. Any and all law enforcement agency reports concerning these charges.

>2. All written or recorded statements signed or unsigned confessions, written summaries of oral statements of confessions made by defendant and/or witnesses to these offenses, including all informants and/or potential informants or cooperating witnesses who provided any information relevant to the charges against defendant.

>3. All books, papers, documents, photographs, sound or

video recordings and tangible objects which are intended for use by the prosecution as evidence at the trial or were obtained from or belong to defendant.

4. Copies of any writings, audio or videotapes recorded by any law enforcement official or other interested parties cooperating with investigating authorities dealing with all incidents out of which the charges arose, including but not limited to:
a. law enforcement reports;
b. law enforcement logs and detention facility logs;
c. booking sheets;
d. mug shots or photographs;

>e. witness statements;

f. notes made by law enforcement officials to be used at trial; and
g. all police reports relating to the other individuals acting in concert with the defendant.

>h. all audio or video recordings of in custody phone calls, video calls, 911 audio or
transcripts or other conversations involving the defendant.

i. all emails, letters, texts messages, or any other written statement made by the defendant including any electronic communications, and/or handwritten communication.

5. If photographs, sound or video recordings were taken of any matter relevant in this case:
a. the name of the person who took the photographs or acted as the technician for sound or video recordings;
b. the time the photographs, sound or video recordings were taken;
c. the location at which they were taken;
d. the present location of any photographs, sound or video recordings; and
e. whether any photographs, sound or video recordings taken

of the victim were
subsequently altered, edited, destroyed or discarded and, if so, at whose direction or request was this action taken and, was it taken pursuant to any policy, procedure,
guideline, or written direction.

>6. Copies of any and/or all scientific reports in this matter, and all other related matters involving co-defendants, including but not limited to any notes, documents, raw test data, testing protocols and procedures, and any or all reports/ rough drafts of reports produced by all experts, lab technicians or their employees who were or are involved in any manner with scientific testing, evaluation, observation or analyzing; and directing the preparation of reports by such individuals if in fact no identifiable reports were ever produced of the same; directing the state to provide immediate advance notice of any testing or analysis to be performed; directing that no expert or other scientific personnel be allowed to testify to any matter not covered in the documentation provided to defendant counsel; and directing that no expert whose complete notes, reports and any
other files and documentations of their work that was not timely provided to the defense be allowed to testify for the state for any purpose whatsoever at any proceedings to be held in this matter.

7. To produce for inspection and copying, when feasible, all items of physical evidence in its possession and control relevant in this matter, which include but are not limited to the following:
a. all clothing, photographs, personal articles, and/or writings taken from the defendant; and
b. any other items seized pursuant to any investigation performed in this matter.

8. Any other evidence obtained by observation of law enforcement or witnesses intended to be used against Defendant at trial that is not part of a written police report furnished to defendant counsel.

9. A written list of the names and addresses of all persons (including law enforcement officers) whom the prosecution expects to call as witnesses at the trial, together with the last known telephone numbers for all such individuals. Names of any law enforcement officers or any other persons who informed the defendant of his/her Miranda rights and/or implied consent rights, including the times and places where the rights were given.

10. Names and addresses of any persons the prosecution intends to call as witnesses at the trial of this matter that may have information regarding the guilt or innocence of the defendant.

>11. All reports or records of prior convictions of defendant, and reports or records of prior convictions of persons whom the prosecution expects to call as witnesses, including any informant referenced in this matter, and records of any youth court referrals of adjudications for, or any witnesses who are youths under the age of 18, or for adult witnesses who had such juvenile records.

>12. Any and all material now known to the prosecution, or which may become known, or which through due diligence may be learned from the investigating officers or the witnesses in this case which is exculpatory in nature or favorable to defendant or which may lead to exculpatory material.
This request includes any evidence that would tend to negate the guilt of defendant, mitigate the degree of the offense, or reduce the punishment. It also includes any and all evidence tending to cast doubts on the veracity, bias and/or interest whatsoever of any witness in these proceedings, as so-called "impeachment" evidence, including any and all favors extended to any informants and/or state's witnesses by the state, federal authorities, or any agent of the state or other law enforcement authorities cooperating with the prosecution or agents of the government.

>13. Any and all records and information revealing any defect or defects of the capacity of any of the state's witnesses to perceive, observe, recall or recount events, specifically including, but not limited to, all such records and information in any way related to or connected with the mental capacity, competency, alcohol or drug addiction, disease, mental disorder, diagnosis, counseling and/or prognosis of any such witnesses, which are known to the state or its agents, or which should have been discovered under the exercise of reasonable diligence. Specifically, and as to any informants, it is requested that any drug and/or alcohol addiction, or pattern/habit of taking illegal drugs of such individuals be disclosed.

>14. Any and all other records of any witness and/or informant, available to the prosecution, including criminal investigative and/or court convictions, arrest, probation and/or parole, medical, psychiatric, psychological or social service records, files and/or information which arguably could be useful to the defendant in impeaching or otherwise detracting from the probative force/value of the State's evidence or which arguably could lead to such records or information, specifically including, but not limited to:

a. anything which tends to indicate a defect or deficiency of character for truthfulness and/or to show partiality (prejudice, bias, motive, interest, and/or corruption) on the part of the witnesses;

b. all statements, written or verbal, relative to the charges, made by the witnesses and/or informants, to law enforcement officers, probation or parole officers, licensed mental health professionals, or any other agents of the state or federal government involved in this case; and

>c. any and all information regarding personal relationships or acquaintances any law enforcement officer involved in these cases previously had, or currently has with any witness and/or informant, or any favor, benefit, or act of non-

prosecution or failure to investigate any potential criminal act such law enforcement officers have extended or are extending to such witnesses and/or informants.

MEMORANDUM OF AUTHORITY

Defendant's Request for Discovery is based upon § 46-15-322 through §46-15-329, MCA, the relevant federal and state constitutional provisions, and *Brady v. Maryland*, *supra*, and *Kyles v. Whitley*, *supra*. The requests made are done so with the intention of fully seeking all information discoverable under the above cited authority, and extends to information within the knowledge, possession and control of the state and federal authorities and all other agents, officers and/or informers who have participated in the investigation of this case.

Further, it is specifically requested that the State and its agents update this information as they receive new information, documents and evidence in this matter.

Dated this 22nd day of August, 2024. */S/Robert Greenwell*

reference numbers to discovery request document sections ....noted in the list of missing discovery items below:

List of missing discovery items:

> County attorney/state has failed to provide (all) discovery materials as of this date 2/9/2025

*#2, #4 e > 1)state's witness statements *(Cline/Nicol)*

**it might be a good idea to see if at this point the Prosecution actually has witnesses that are going to testify. That may not be the case.*

#13 > 2)personnel records of deputy atkin

6/2018 - 8/2020 ethan atkins employed by Missoula County SO

#11, #13, #14> 3)discovery materials related to criminal records of Cline/Nicol

#13, #14 c > 4)records of mineral county sheriff's office interactions/criminal/

and civil standby incidents/ with Cline/Est , incidents involving

county sheriff/deputies at 320 cabin city loop rd, circa 2020 - 2024

#3 > 5)backseat video cam footage of transportation of Joshua Ferren

to Mineral County jail facility for booking/ reading of miranda rights

**state says they sent this and/or a link to download, only backseat video that*

*is present is of warren cline in sheriffs vehicle...*where is this video, state says it has been provided atkin body cam video assault with a weapon (exhibit 1) - does not download from PD file cabinet with "download all"

#4 h , #12 > 6)body cam footage of trespass of deputy ethan atkin on Ferren

property date of 10-20-2024

On 10-20-2024 at 8:10 pm deputy Ethan Atkin and another Mineral

County deputy trespassed on the Ferren property

The body cam footage of the conversation with Joshua should be part of the

discovery information as this occurred after Joshua was arrested.

#6, 7)the Firearms Analyst (witness) submittal to state's prosecution ,

evidence to suppress:

911 call audio

video(s) booking/lockup

(these serve no purpose as related to the self-defense action taken by Defendant and show a man that is mad because he is going to jail and a thief is sitting on his porch having a good laugh at both defendant and law enforcement... and as was pointed out by .... it will be used to show defendant's "disrespect for law enforcement")

**most of the documents in the OPD file cabinet are multiple duplicates of procedural documents*

**only discovery/victim witness statement: is from Joshua Ferren*

Images #3119/#3120 importance only in showing where Cline was actually standing when the event occurred, and that he was lying to atkin when he stated the bullet was fired right at his feet and identified this as the location. Image #3122/#3123 actual bullet impact site.

**attached to states response to motion to dismiss (re missing discovery) ... is information related to ... matthew and paula ? recbell ?...looks like a well organized office ;>)*

In the rush to get Josh to jail ...

"Josh asked for his dogs to be fed and I advised Deputy Atkin once he returned. He then spoke with Josh again and asked him if he wanted us to feed and water his animal. Josh said he did but then changed to continued arguing while being asked about his animals."
(the dogs were then left to fend for themselves/not fed or watered)
***(3) days later the Sheriffs office sent someone out to care for the**

dogs. I had already made arrangements with friends that were tending to both dogs, the dogs were removed by the person from the SO, we tracked her down and had the dogs returned to the property. Glenn Ferren

new writing of defendant's statement:

Lightweight - 135 pounds (Ferren)

Vs

Heavyweight - 200+ pounds (Cline)

Sounds like a "mismatch" doesn't it.

Do you think I should have my teeth knocked out before I can defend myself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for hands around your throat ?

Should I let him "put me in my place" the way he "put her in her place" as he said about his girlfriend ? What should I allow an ex-convict to do to me that allows me to react to the threat he is expressing to me.

Do you think that is what the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself. Would you wait until your teeth were on the ground ?

Do you think Montana's right to use force law means bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill.

(I) have the right to defend myself when a person approaches me aggressively, mad and yelling, I have the right to say, with a warning shot, hold on buddy, I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I have the right to stop you.

"I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

2/2025 - Thank you, Juanita

This is the father of a 50 plus year old Client.
I think I'll ignore it, File, but ignore.

Ann M Davis
Office of the Public Defender
Conflict Division—Missoula
111 North Higgins, Suite 300
Missoula, Montana 59802
Telephone: (406) 329-1300
Ann.Davis@mt.gov

-----Original Message-----
From: Nystrom, Juanita <JNystrom@mt.gov>
Sent: Friday, January 17, 2025 9:18 AM
To: Davis, Ann <Ann.Davis@mt.gov>
Subject: FW: [EXTERNAL] Form request , and tech issue (Joshua Ferren)

-----Original Message-----
From: Earl, Kira <Kira.Earl@mt.gov>
Sent: Friday, January 17, 2025 8:53 AM
To: Nystrom, Juanita <JNystrom@mt.gov>; Sweeney, Jordan <Jordan.Sweeney@mt.gov>

Subject: FW: [EXTERNAL] Form request , and tech issue (Joshua Ferren)

Good morning,

We received this email from an external source requesting some information for a conflict case.

Thank you so much for all you do!

Kira Earl
Administrative Assistant II
Office of the State Public Defender
610 N. Woody
Missoula, MT 59802
Phone: (406) 523-5140
Fax: (406) 523-5141

-----Original Message-----
From: Glenn Ferren <gferren@yahoo.com>
Sent: Thursday, January 16, 2025 6:24 PM
To: OPD Missoula <OPDMissoula@mt.gov>
Subject: [EXTERNAL] Form request , and tech issue (Joshua Ferren)

opdmissoula@mt.gov
Need a Release of Information form, location of same for download, and for your tech support — "outlook" items in opd client portal filing cabinet are not viewable (requires both outlook & a microsoft 365 subscription)... those outlook msgs need to be text format for client

1/2025 - glenn ferren to ann davis - The trial judge refused to instruct the jury to consider Wilson’s argument that he acted in self-defense. The judge ruled Wilson was not claiming self-defense because Wilson testified that he did not aim the gun at Reffett and had no intention of harming him but was just trying to get Reffett to “back off.”

Talking to a reporter recently and noticed he "keyed" in on the words in atkin's report - "scare tactics". Taking into consideration a GED level defendant, those words were what popped into his head as his normal speech, but the prosecution will push that statement regardless of his education level.

(his statement and the word deterrence should be emphasized)
"I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 50lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

<Warning shots case law>
Court News Ohio
Warning Shot Enough for Jury to Consider Self-Defense Claim
By Dan Trevas | March 7, 2024

https://urldefense.com/v3/__https://www.courtnewsohio.gov/cases/2024/SCO/0307/221482.asp__;!!GaaboA!qc8GDyEw_gEIOR5W_lZUiVcV-f7u8o9t8KnXx2PnfJd6a9brV7AB-KTfP3iOdg34aG--XIRMnHUczb8$

RELATED COVERAGE
Is Firing Warning Shot Enough to Have Jury Consider Self-Defense Claim
https://urldefense.com/v3/__https://www.courtnewsohio.gov/cases/previews/23/0926/0926.asp*OA221482__;Iw!!GaaboA!qc8GDyEw_gEIOR5W_lZUiVcV-f7u8o9t8KnXx2PnfJd6a9brV7AB-KTfP3iOdg34aG--XIRMAr6qEdM$

Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force.
Part 1. When Force Justified
Use Of Force By Aggressor
45-3-105. Use of force by aggressor. The justification described in 45-3-102 through 45-3-104 is not available to a person who:
(1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or
(2) purposely or knowingly provokes the use of force against the person, unless:
(a) the force is so great that the person reasonably believes that the person is in imminent danger of death or serious bodily harm and that the person has exhausted every reasonable means to escape the danger other than the use of force that is likely to cause death or serious bodily harm to the assailant; or
(b) in good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that the person desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.
Part 1. When Force Justified
No Duty To Summon Help Or Flee
45-3-110. No duty to summon help or flee. Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.
Part 1. When Force Justified
Use Of Force In Defense Of Person
45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

("victim" - is a known drug user, domestic disputes/violence w/girlfriend, fight w/brother-in-law, size difference between plantiff and "victim" - 130lbs V 200+lbs, extensive Oregon criminal history of "victim" including assault charges, the threat is a serious beat-down or worse from the "victim" depending on the "victims" mental state and what he might be high on - * what did "victim" do after warning shot fired ? run ? cry ? call sheriff's office ??)

Part 1. When Force Justified
Use Of Force In Defense Of Occupied Structure
45-3-103. Use of force in defense of occupied structure.
Part 1. When Force Justified
Use Of Force In Defense Of Other Property
45-3-104. Use of force in defense of other property

This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States (see back panel for list). The policy reflects the best thinking of all consensus organizations and is solely intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.
>>>>3. Deadly Force Restrictions
a. Deadly force should not be used against persons whose actions are a
threat only to themselves or property.
b. Warning shots are inherently dangerous. Therefore, a warning shot
must have a defined target and shall not be fired unless
(1) the use of deadly force is justified;
(2) the warning shot will not pose a substantial risk of injury or death
to the officer or others; and
(3) the officer reasonably believes that the warning shot will reduce
the possibility that deadly force will have to be used.
(if a warning shot is good enough for law enforcement ...)

https://urldefense.com/v3/__https://www.theiacp.org/sites/default/files/all/n-o/National_Consensus_Policy_On_Use_Of_Force.pdf__;!!GaaboA!qc8GDyEw_gEIOR5W_lZUiVcV-f7u8o9t8KnXx2PnfJd6a9brV7AB-KTfP3iOdg34aG--XIRM84ibEbw$

1/2025 - glenn ferren to ann davis - atkin helps identify actual location of cline during incident, *clines indication of the discharge location - image # IMG_3119 (Motion and Affidavit for Leave to File an Information - 15. *Mr. Cline took officers to the location where he was when Mr Ferren discharged his weapon. ... Mr. Cline said he was in one location ...) The location Cline was in is NOT the location of the bullet impact from the weapon discharge - see # IMG_3122
*atkin was not a witness to the argument/incident/weapon discharge

County Attorney has failed to provide discovery

date for discovery to be completed: The Court sets a Final Pre-Trial Conference for Monday, February 3rd, 2025, at 9:00 a.m. before the Hon. Judge Halligan.

(Omnibus Hearing Memorandum -- Initial discovery shall be completed by November 23, 2024. Discovery disputes shall be raised no later than twenty-one (21) days prior to trial (or at the time of final pre-trial, whichever is earlier)

>>>email to Joshua Ferren, review of PD files OPD portal 1/26/2025
evidently the PD did a motion to dismiss based on the discovery issue, I see a reply from the county attorney to that motion, do not see the PD's motion itself... the county attorney says she has supplied all discovery. there are still outlook files that we can't read, most of them look like emails from me to the PD, but there is one I see from the county attorney to the PD (can see the file, can't read the file - I've mentioned this to the PD more than a couple of times in the email communications), I believe there is a pre-trial hearing in feb. between the PD, county attorney, and judge.
discovery I have not seen: written/audio witness statements of cline/nicol, bodycam of atkin trespassing, criminal records of cline/nicol, personnel records of deputy atkin, discovery on mineral county sheriff's office interactions with est/cline family 2020 - 2024

9/2024 - debra jackson to ann davis - Good afternoon,

Please find a copy of the *Response to Modify Conditions of Release* re Joshua Ferrens. The motion was filed with Justice

Court and not District Court. I filed in both Courts to avoid having an Order signed. Justice Court no longer has jurisdiction as the matter was transferred to District Court and the cause number is now DC-31-2024-32. If you correct your Motion, I have already responded by a “Notice” because a Response will not work as the Motion was not properly filed. Therefore, please alert the Court that a Notice is my *Response* if you file the Motion.

<I suggested that a motion to dismiss be filed on the subject of the discovery that was not provided (at that time) by the county attorney Debra Jackson. When a Motion to Dismiss was eventually filed by the public defenders, the judge’s statement regarding that motion was that if it had been done in January 2025, the case would have been dismissed.>

11/2024 - glenn ferren to ann davis - Motion to Dismiss
(see attached video file of recovering bullet from Joshua Ferren weapon discharge)
*would be interesting via Discovery to see what the state firearms analyst has to contribute to the county attorneys case
(Count 1 - Information_001.pdf - atkin - "Mr Ferren did so by discharging a gun into the ground next to Warren Cline ...")
***Unless Warren Cline was standing behind Joshua Ferren placing him on the South side of the road Vs the north side of the road ...this statement from the "Information" document is false.**
(Count 2 - Information - atkin - "he discharged a firearm at the feet of Mr Cline...")
***see above, this statement would also be false, Mr Cline's feet were be on the north side of the road, the bullet impacted on the south side of the road.(cabin city loop road)**
Count 3 - Information - atkin - "Deputy Ethan Atkin had to pick up Mr. Ferren and place him physically into the vehicle..."
***this statement is false, Mr Ferren was sitting in the vehicle handcuffed with his feet outside of the vehicle door, atkin merely pushed his feet into the vehicle. (mr ferren was confused about his being arrested ... rather than Cline who has served time for burglary, the alleged thief, the "victim")**
The false statements are troubling to say the least. Deputy Atkin also seems very "familiar" with "warren and deanna"/see original arrest report ...Is Atkin one of Deb Jackson's "brady" deputies ? Is Atkin coaching statements from the "victims" that did not call in a complaint ? Vs Joshua Ferren -call to sheriffs office - and report of theft. (this is starting to look good for a false arrest/unlawful arrest/illegal detention lawsuit - **based on purposeful false statements made by deputy Ethan Atkin in the arrest and information documents**)

The following consists of excerpts from a conversation with Joshua Ferren regarding the interaction between the Mineral County Sheriffs office and it's deputies with the Est/Cline family circa 2020 - 2024
*in a conversation with sheriff Ryan Funke, sheriff Funke assured me that cline and the est's were not on the sheriff's office radar for drug dealing, I believe he said they definitely were not on the radar, in retrospect that seems a suspect statement ...
>do you remember something about the Est boy being stabbed by his girlfriend ? probably in the last year, chuck est said she was in the mineral county jail and I don't see any news reports about the incident
>and give me the details on warren and chuck fighting over a firecracker, actual fistfight ?

Yes, the girl was getting beat by the crazy kid and she had enough and stabbed him.
Tried to kill him from what I gather
... the first year Warren was here (circa 2020) it was just after 4 of July and Warren and all of them were whoopin it up as usual, making lots of noise so I wandered over to the fence to see what all the common was and Warren threw a firecracker (way bigger than a black cat) in under chucks blue truck and when it when off chuck started cussing Warren out. Took about a min or two before Warren jumped on him and whooped chucks ass.. wasn't a knock out fight but he was on top of him saying something I couldn't hear but it shut chucks ass up and they went their separate ways. Chuck went inside and Warren was mumbling something and went to his shack.. this was before Warren went to Oregon to pick up the meth.
I did not see her when I was in jail, the female Cell was right across from mine, and I never saw her. That must've been somewhere around June or just before. After spring, mid summer this year
Also Warren has had at least two domestic violence issues which the cops were involved in this year, I walked outside one evening and the block was swarming with black and whites, when Warren showed up a few days later he has one eye that was bloody, ya know when the blood vessels burst in the eye kinda thing and he chuckled saying he whooped his gfs ass in a fight. Apparently she was drunk and they got in a spat and "he had to put her in her place" ..
>didn't see anything on the sheriffs office FB page about the stabbing
It had to have been in April or may. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it.
Apparently she stayed at the shelter and chuck picked her back up and brought her back to his house where the boy beat her again..
I saw her sitting in the road in between his place and ours and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drive her to the pov and told her to get ahold of her family back east and recommend not going back to the chucks.. I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.
I imagine she didn't, I didn't give her $$ for a bus ticket. Helped her drag her suitcase into the shelter and told her good luck and left.
That I still don't know, I stopped off at the Montana bar tonight for dinner and the bar tender asked why I haven't been there in months and filled them in on everything. **Apparently Warren was 86'd about the same time all this shit went down and he was trying to fight some local.**
No this girl was a beanpole, acted like she was on drugs too.. felt bad with her black eye and red marks around her neck. Maybe, I don't know I just felt bad seeing her crying in the damn road.
>Did you tell me that the kid went after Warren one time with a machete?
Yes he did, believe the sheriffs were called then too..
Warren was beating on the trailer and the boy was gonna chop him up, sheriffs showed up and took his crazy ass to jail because he answered the door with a machete thinking it was Warren, but it was the sheriff's knocking
Nope, all I know is she sheriffs took the kid out that day

***warren a cline ...previous oregon arrests for burglary, assault, possession of heroin DOB: Aug 18, 1967 (MT criminal records search with this DOB does not return any criminal records. Seems "odd" that a guy that slaps his girlfriend around, has fights with the est family that involve county deputies, tries to start bar fights, and has a rap sheet as long as your arm in Oregon... has no MT criminal record(s) over the past 4 years (2020 - 2024)** Probably not the right DOB date, need correct DOB and/or SSN#)

> On Dec 10, 2024, at 1:02 PM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>
> That may be the problem. Often these platforms will only work on a computer using Chrome.

Try that and let me know.
>
> Ann M Davis
> Office of the Public Defender
> Conflict Division—Missoula
> 111 North Higgins, Suite 300
> Missoula, Montana 59802
> Telephone: (406) 329-1300
> Ann.Davis@mt.gov
>
>
> -----Original Message-----
> From: Josh Ferren <joshferren@icloud.com>
> Sent: Tuesday, December 10, 2024 12:47 PM
> To: Davis, Ann <Ann.Davis@mt.gov>
> Subject: Re: [EXTERNAL] Dismissal
>
> I'm trying from my phone, I don't own a computer Sent from my iPhone
>
>> On Dec 10, 2024, at 11:44 AM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>>
>> Are you trying from a phone or a computer?
>>
>> Ann M Davis
>> Office of the Public Defender
>> Conflict Division—Missoula
>> 111 North Higgins, Suite 300
>> Missoula, Montana 59802
>> Telephone: (406) 329-1300
>> Ann.Davis@mt.gov
>>
>> -----Original Message-----
>> From: Josh Ferren <joshferren@icloud.com>
>> Sent: Monday, December 9, 2024 7:15 PM
>> To: Davis, Ann <Ann.Davis@mt.gov>
>> Subject: Re: [EXTERNAL] Dismissal
>>
>> Hey Ann! So I just tried it again, still not getting anything past the email log in page.
>> Sent from my iPhone
>>
>>>> On Dec 9, 2024, at 8:10 AM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>>>
>>> Josh,
>>>
>>> Try this site one more time:
>>> https://urldefense.com/v3/__https://opd.my.site.com/s/login/__;!!Gaab
>>> oA!uskoZ8wahAQYyNuP5IbaUF6WkQy-
yFAKpCTKmMTke4R74j35JBUXJCArbXnhAbpyZJ
>>> _PAw-TUb45R-_lAsUo$
>>> Let me know if it works for you.
>>>
>>> Ann M Davis
>>> Office of the Public Defender
>>> Conflict Division—Missoula
>>> 111 North Higgins, Suite 300
>>> Missoula, Montana 59802
>>> Telephone: (406) 329-1300
>>> Ann.Davis@mt.gov
>>>

>>>
>>> -----Original Message-----
>>> From: Josh Ferren <joshferren@icloud.com>
>>> Sent: Sunday, December 8, 2024 8:19 AM
>>> To: Davis, Ann <Ann.Davis@mt.gov>
>>> Subject: Re: [EXTERNAL] Dismissal
>>>
>>> I've tried several times to log into this but it won't do anything past telling me to enter my email. Once I do, it just says log into the portal by entering an email.
>>> Sent from my iPhone
>>>
>>>>> On Dec 5, 2024, at 1:41 PM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>>>>
>>>> As evidence is made available to me, I place it in files accessible to you. I am still waiting for some; however, if you want to look at what I have, you can access it on the OPD Portal. Here is the link to login to the OPD portal: https://urldefense.com/v3/__https://opd.my.site.com/s/login/__;!!GaaboA!pW7-hSunzoY3a7whtH2bs92mgPPyur1zbeFaflLDRduw_q2Jtu6DJ2dxk-Imw0dZRcwYTvueh_DR_TupPIp2$. Our website will prompt you to enter other information to login. It may also send you an email to create an Okta account. If you have any issues, let me know. I do not have the ability to help you troubleshoot, but I can put in a ticket with IT for them to assist. All the discovery that I have and the Court documents I have should be available to you on the portal.
>>>>
>>>> The discovery is confidential criminal justice information and should not be shared. Once you have reviewed it, please contact me with any questions you may have.
>>>>
>>>>
>>>> Ann M Davis
>>>> Office of the Public Defender
>>>> Conflict Division—Missoula
>>>> 111 North Higgins, Suite 300
>>>> Missoula, Montana 59802
>>>> Telephone: (406) 329-1300
>>>> Ann.Davis@mt.gov
>>>>
>>>>
>>>> -----Original Message-----
>>>> From: Josh Ferren <joshferren@icloud.com>
>>>> Sent: Tuesday, December 3, 2024 12:34 PM
>>>> To: Davis, Ann <Ann.Davis@mt.gov>
>>>> Subject: [EXTERNAL] Dismissal
>>>>
>>>> Hi! Hope you had a good holiday! I was wondering the status of having the case dismissed. Also I would like to see what the "victims " are trying to use against me. Thanks Ann! Have a good day and stay warm out there!

12/2024 - josh ferren to ann davis - I just saw this, my neighbor barb, I'm not sure her last name but her number is 406-678-1717. She's had big issues with Warren standing at her fence line scoping out her property. Also jj, the neighbor that assaulted me on camera has had problems with the whole bunch. I don't know his last name and I erased his number from my phone but the next time his dog shows up I'll get the phone number off the dogs tags. also heard from barb i believe last winter Warren was caught on door cam footage stealing fire wood from one of the weekend propertys. Apparently they asked him what he was doing through the camera and he said taking firewood that they weren't using. The owner said that's not cool and warren said "what you want us to freeze to death?". Thats all I know about that incident. Barb will know which neighbor that was.

> On Nov 5, 2024, at 11:35 AM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>
> Hello Josh,
>
> I'm working on getting our witness list ready to send to the state. I am including both Officer Atkins and Officer Hughes along with the two alleged victims. I would also like to include anyone who has personally seen the alleged victims be aggressive towards you or other neighbors. Do you know of anyone who this may include? If so, please send me names, addresses, and contact information.
>
> Thank you,
>
> **Ann M Davis**
>
> Office of the Public Defender
>
> Conflict Division—Missoula
>
> 111 North Higgins, Suite 300
>
> Missoula, Montana 59802
>
> Telephone: (406) 329-1300
>
> Ann.Davis@mt.gov

2/2025 - Notes and information regarding Cabin City incident and charges filed --

Sept 12, 2024 - court date - Plea hearing -

Josh will enter plea of Not Guilty, and ask that the case be dismissed, if not dismissed will ask for jury trial, and his defense will be: "I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 50lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

“The **Second Amendment** protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense.” Also MCA **45-3-102. Use of force in defense of person.** A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force.

Ask for GPS monitoring to be discontinued.(not necessary/can't afford - $440 monthly charge)

Incident summary:

defendant confronts suspected thief, suspected thief approaches defendant in an aggressive manner, defendant fires gun into ground behind defendant (himself) (as a deterrence to possible bodily harm), suspected thief stops aggressive approach. defendant calls sheriffs office approx, deputies arrive approx , defendant details events that have transpired, deputies question suspected thief (Warren Adrian Cline of Portland OR/Oregon City OR age 57 and Paula Nicol (girlfriend of Cline) residing with Charles and Heather Est 320 Cabin City Loop Rd St Regis MT), deputies then arrest defendant (handcuffed/read rights) for (Assault with a weapon, intimidation, resisting arrest). Montana Mineral County August 11, 2024

Josh Ferren/defendant: "What this is missing is I was on a public street waiting for the police to arrive when I was approached by the *theft suspect in a threatening manner. I never went after him, the cruiser video will prove that. Also the *girl was on chucks (est) porch and she approached me in the street" "As did Warren"

*warren cline and paula deanna nicol both have criminal records in Oregon, cline for burglary and nicol for meth use, it appears her children were removed by the state of Oregon.

summary of incident (more details) ...

josh thinks warren cline helped himself to josh's pot and a bar of silver josh had smelted, warren cline has invited himself onto the property on previous occassions to vist/see what josh was doing

josh walks out to the cabin city loop road, walks out to see if all the est vehicles are at home

warren clines girlfriend (Paula DeAnna Nicol) comes out into the street and asks him "are you mad?"

josh replies "yes, warren stole my stuff and I want it back, tell him to bring it back"

josh: warrens girlfriend (Paula Nicol) gets in my face, too close, and I tell her to ..."back the F* up"

warren cline comes out to the loop rd and approaches "aggressively"

josh fires his pistol behind him toward the ferren property

josh calls the sheriffs dept, deputies arrive about 30 min after call

josh meets the deputies and says, there he is , arrest him

deputies approach warren (cline) and talk to him

deputies return to josh and state "put your drink down, you are under arrest"

josh asks "what for ?" "why are you arresting me and not that thief ?"

deputy atkin replies "intimidation with a weapon"

josh says you have to be kidding me.

josh is sitting in the deputies vehicle, handcuffed, saying you have to be kidding me

deputies pick up his feet and shove them in the vehicle (and charge josh with resisting arrest)

*josh is read rights when handcuffed

josh: (.. the sheriff was called prior to me going to the street to see if they were home, I knew they would do nothing if they were not home. I never intended to speak to Warren or Deann/ Paula?? Two names I take it?? Warren called her Deann...Also Warren didn’t retreat back to his shack until the he tried yelling” I’m not a fucking thief!” That went on for several mins and I started walking back to the property to wait for the sheriff to get there and that’s when the cops showed up. The rest you know. Maybe I'll let the lawyer speak on my behalf...He got right in my face but I didn't stand down. He was most definitely not afraid for his life or he would have put his hands up and backed away. He did the exact opposite and got louder. Those are not actions of someone afraid.)

***... did cline or est call sheriffs office ? **NO**

Misc

"The officer, fearing for his life…

It's never used as the justification for using deadly force by the officer. "The officer, fearing for his life…" etc is a summary you may hear on the news. It is a conclusion. It is therefore always insufficient by itself as the justification for using deadly force.

What this means is that while an officer may utilize deadly force when he reasonably fears his life is about to be in jeopardy, he can't say "I feared for my life so I shot him" and leave it at that. The fear has to be objectively reasonable under the circumstances. He must explain what caused him to reach the conclusion that he was facing an imminent threat of death or serious injury. The officer knows that merely stating a conclusion is meaningless. He won't arrest a person for drunk driving and merely state to the sergeant approving the arrest "I felt this guy was driving drunk, so I arrested him for drunk driving". He'll need to explain how he came to the conclusion that the driver was probably driving drunk. Stating his opinion as a conclusion won't work. An officer knows that "I feared for my life" is similarly meaningless unless it comes at the end of a lengthy explanation as to how he came to feel that way. If all the evidence, to include the officer's statements, support a finding that the shooting was reasonable under the circumstances, than the shooting would be determined to be justified as self defense and lawful.

This is no different then when a civilian shoots someone in self defense. The citizen can't utter the words "I feared for my life so I shot him" and expect that the phrase will magically make the shooting lawful. The citizen, just like the officer, would have to explain why such fear was reasonable. The police may indeed sum up that explanation as "The homeowner, fearing for his life, shot the intruder once in the chest, killing him". Again, this doesn't mean the homeowner merely stated "I feared for my life so I shot him" and nothing else.

Former Officer Noor of the Minneapolis Police Department shoot a woman in 2017 and is now in prison. The jury determined his fear was not objectively reasonable under the circumstances.

An officer or citizen can always state “I feared for my life” but without an explanation as to why they reasonably felt that way, such a phrase is meaningless.

"Munz’s gunner, Sergeant Tripp, wiped out a mortar crew with a single round of 120-mm. high explosive. Harper’s gunner, Sgt. Ethan R. Atkin, eliminated an RPG team in similar fashion. Alternating between cannon and machine gun, the tanks destroyed seven more small groups before the insurgents broke contact and retreated."

Ethan R Atkin lived at 1424 Mullan Rd W, Superior, MT 59872 for 3 months (Advanced Background Checks).Ethan has lived at the following previous addresses: 1424 Mullan W Rd in Superior, MT, 1208 4th E Ave in Superior, MT .

Ethan Atkin is a defendant in the case Stewart A. McCracken v. Ethan Atkins, Eric Lindauer and Mineral County Sheriff's Department (Justia). --Case Number: 9:2024cv00060--Access

Background Info -- Warren A Cline

from warren cline facebook pages (used in 2020, don't see any newer than that)

...Moved to Saint Regis, Montana--July 16, 2020

...From Oregon City, Oregon--June 10, 2020 in Oregon City, Oregon

...Lived in Prineville, Oregon

(yellowbook) Our top match for Warren Cline lives on SE Willowdale Dr in Prineville, Oregon and may have previously resided on Riverview Ave in Prineville, Oregon. Warren is 57 years of age and may be related to Jean Cline, Heather Est and Jamie Seykora. Run a full report on this result to get more details on Warren.

https://webportal.courts.oregon.gov/portal/

Oregon judicial dept - records search - cline warren a (nothing since 2017, burglary/theft in 2010--case # 10FE0091 -- 8/30/2010 | State of Oregon VS. WARREN A CLINE -- probation violation -- case #12FE0158 -- failure to appear in the 1st degree -- appears probation continued thru 2015 or 2016)

Background info -- Paula D Nicol

Paula Nicol ? DeAnna Nicol ??? (this is the same person)

19CR57037 | State of Oregon vs PAULA DEANNA NICOL

1 Criminal Driving While Suspended or Revoked 811.182(3) Felony Class B 08/29/2019

2 Unlawful Possession of Methamphetamine 475.894(2)(a) Misdemeanor Class A 08/29/2019

Marriage Records found in Nevada

Marriage Details

Date: 08/12/1995

Filling Number: MA95-15679

Groom: JeffreyW Nicol

(appears nicol has interaction with the courts thru 2022, and there are social media references to children, possibly taken by the State of Oregon ?)

For criminal records of warren a cline and paula deanna nicol use this link:

https://webportal.courts.oregon.gov/portal/

*criminal records search of charles/chuck est and heather marie est shows misdeameanors for driving w/o insurance / w/suspended drivers license charges

**as easy as it is to see the criminal history of cline/nicol, one would have to question why the MCSO does not have this same info, they probably do have this information.

Debra Ann Jackson

25 years of experience -- California, Montana

Jurisdictions Admitted to Practice -- California, Montana

State Bar of California ID Number: 201609 Since 1999

State Bar of Montana ID Number: 38148574 Since 2016

Addresses:

PO BOX 300166 DE BORGIA, MT 59830 Telephone: (949) 633-4028

1103 Rock Creek Rd St Regis, MT 59866 Telephone: (949) 633-4028

California transplant ? .... could point to an anti-2nd amendment attitude/extreme charges as related to guns -- "intimidation" Vs self-defense (a lot of people in/from CA are intimidated by guns)

Western State College of Law --Private school in Irvine, California

Saddleback College -- Mission Viejo, CA · Public · 2-year

Notes on Discovery

Discovery in a criminal case begins when the case begins and continues until the trial. The process involves the exchange of evidence between the defense and the prosecution.

In a criminal prosecution, discovery can include a wide range of items that are often crucial for your defense, such as: all the hard evidence in the case, such as physical evidence; exculpatory evidence that could be favorable to your defense; witness statements and depositions from police.

Prosecutors must also provide the defendant copies of materials and evidence that the prosecution intends to use at trial.

Discovery questions can include Interrogatories (questions that require written answers), document requests and/or requests for admissions (statements that must either be admitted or denied). The questions require honest and timely responses.

The court will order the other party to provide the discovery within a certain time and if they fail to do so the court may order that the evidence cannot be used against you which may allow you to file a motion to dismiss.

Often, the prosecution’s case rests heavily on the testimony of the arresting officer. Most jurors will trust the testimony of an officer over the testimony of other witnesses, and they often assume that the officer handled a situation appropriately. If part of the defense involves a claim that the police mishandled the situation, the defendant’s attorney may want to get the officer’s personnel records.

When a defendant goes on trial for allegedly committing a crime, a prosecutor must establish that the defendant is guilty of the crime beyond a reasonable doubt. At the same time, the criminal defendant is entitled to present a defense and may do so through a variety of means. The defendant may attempt to poke holes in the prosecutor’s case, argue that another individual committed the crime, or argue that he or she did commit the crime but had a legal and reasonable defense for doing so.

Another category of defenses applies when the defendant committed the crime but argues that he or she was justified in doing so. The most commonly recognized of these defenses are self-defense and defense of others.

Prosecutors must disclose known material exculpatory evidence to the defendant. Exculpatory evidence is that which tends to show that the defendant is not guilty. A failure to disclose exculpatory evidence may lead to an overturned conviction.

Montana has a "Stand Your Ground" law that allows a person to use force in self-defense without a duty to retreat or call for help if they are lawfully present and threatened with bodily harm or death:

Montana's Stand Your Ground law

When it applies

When a person is lawfully present and threatened with bodily harm or death

What it allows

No duty to retreat or call for help before using force

Limitations

Doesn't give landowners and homeowners the right to shoot intruders and trespassers at will

Here are some other things to know about Montana's self-defense laws:

The law relies heavily on "reasonableness".

You should call law enforcement if necessary after using force in self-defense.

You should consult an attorney to guide you through the investigation.

The burden shifts to the state to prove beyond a reasonable doubt

that the use of force was not justified.

A jury will decide whether or not your force was justified.

A flowchart of the legal process in a criminal case can help visualize the sequence of events. Here are some steps in the criminal justice process:

Investigation: The crime is reported and investigated.

Charging: The District Attorney's Office reviews the case and files charges.

Arraignment: The defendant appears in court and enters a plea.

Pretrial: This can include pre-trial motions and hearings, discovery, and plea bargaining.

Trial: The case is presented to a jury or judge to determine guilt.

Sentencing: The judge orders a sentence based on the jury's verdict or the judge's decision. The victim may also address the court.

Appeal: The case may be appealed.

Other steps in the criminal justice process include: Bond is set, An attorney is appointed, A docket setting or status setting is set, and A pretrial conference or motion hearing is held

Montana

Investigation

Filing Charges

Initial Court Appearance

The court may consider bail at this hearing

Preliminary Hearings

the prosecuting attorney must show the court that they have enough evidence to proceed with trial.

Arraignment

where the defendant tells the court how they plead to the charges

Pre-trial

The defense attorney may ask to interview witnesses/plaintiff

Plea Negotiations

If the prosecutor and defendant don't come to a plea agreement, then the case moves forward to trial.

Trial

the prosecuting attorney has to show the judge/jury that they have enough evidence to prove the defendant's guilt beyond a reasonable doubt.

Verdict

If the defendant is found not guilty at trial, the case is over.

2/2025 - On January 6, 2025 Mineral County Dispatch received a call reporting a stabbing in St. Regis. The reporting party stated that there were 3 victims with stab wounds.

The Mineral County Sheriff's Office was involved in an officer-involved shooting at approximately 11:00 AM on July 21, 2024 near Fish Creek. Earlier in the morning, the suspect was involved in an altercation that led to a stabbing and subsequent kidnapping.

The mystery surrounding the stabbing at the Est/Cline residence in 2024.

Normally, a stabbing makes the news in Mineral County and Missoula County.

This one does not appear to have been made public. (not on mineral county sheriffs facebook, not in the mineral county newspaper, not in the missoula newspaper)

(recap - Joshua gave the girl a ride to the poverello center after he noticed she appeared to be beaten, within a short period of time she was back at the Est's,

and shortly thereafter the stabbing occurred. Josh said the sheriff's department was there when that incident occurred.

The boy had to have medical treatment for the stab wound(s).

This event seems to have occurred in June/July, Josh said she was not in the mineral county jail when he spent time there in august.)

*the est boy has meds for Asperger's syndrome

2/2025 - pre-trial case review/notes/ - 2/16/2025

<public defenders did not depose Warren Cline before the trial and were setup for the "afraid I would be shot in the back" testimony that Cline added in the time between the incident and the trial, Jury question before finding the defendant guilty ... "was Cline turning to leave when the shot was fired?>

watch for "**ambush**" from county attorney via the use of those discovery items that were not provided to the defense (like witness statements), a motion to compel discovery might have been a good tactic. Often, the prosecution's case rests heavily on the testimony of the arresting officer, ethan r atkin. (we already know atkin has a beef with plantiff, for calling him a "coward" and not following his "orders", and wrote the incident report favorably for "victims" (as in not recognizing the obvious fact that warren was lying about the direction of the warning shot "at his feet", atkin is not a detective -- inadvertently atkin helps identify actual location of cline during incident, *clines indication of the discharge location - image # IMG_3119 (Motion and Affidavit for Leave to File an Information - 15. *Mr. Cline took officers to the location where he was when Mr Ferren discharged his weapon. ... Mr. Cline said he was in one location ...) The location Cline was in is NOT the location of the bullet impact from the weapon discharge - see # IMG_3122 for actual bullet impact location)

(why was the fear reasonable?, why the need for a self-defensive action in the form of a weapon discharge ? here's why - **the defendant had a pre-knowledge of the individual warren a cline and the alleged "victim"s drug use and violent acts, was witness to violent incidents that occurred in cabin city from 2020-2024 involving warren a cline, had made several 911 calls to report the anti-social behaviors of the "victim" and his family (est) over that time frame.**..and now there is an applicable substantiation of the self-defense action via the knowledge of the alleged "victims" ,(warren adrian cline, paula deanna nicol) extensive Oregon state criminal history prior to relocating to cabin city)

For Oregon criminal records history of Cline/Nicol, use this search tool:

https://webportal.courts.oregon.gov/portal/

Joshua was justified in the discharge of his weapon and took the added precaution to discharge that weapon in a safe direction. He had the right to use lethal force in a deadly manner and still had that right after a "warning" shot.

warren cline 08/18/1967 height 6.0 weight 210 age 56 yrs old, joshua ferren height 5'10" weight 130, age 41

These three Montana laws support self-defense and the firing of a "warning shot" as an act of self-defense...

45-3-111. Openly carrying weapon -- display -- exemption. (1) Any person who is not otherwise prohibited from doing so by federal or state law may openly carry a weapon and may communicate to another person the fact that the person has a weapon.

(2) If a person reasonably believes that the person or another person is threatened with bodily harm, the person may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon.

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

*45-3-102 permits the firing of a warning shot in self-defense, see Ohio court ruling

2022-1482. State v. Wilson, Slip Opinion No. 2024-Ohio-776.

This National Consensus Policy on Use of Force is a collaborative effort among 11 of the most significant law enforcement leadership and labor organizations in the United States (see back panel for list).

The policy reflects the best thinking of all consensus organizations and is solely intended to serve as a template for law enforcement agencies to compare and enhance their existing policies.

> > > > 3. Deadly Force Restrictions

a. Deadly force should not be used against persons whose actions are a threat only to themselves or property.

b. Warning shots are inherently dangerous. Therefore, a warning shot must have a defined target and shall not be fired unless

(1) the use of deadly force is justified;

(2) the warning shot will not pose a substantial risk of injury or death to the officer or others; and

(3) the officer reasonably believes that the warning shot will reduce the possibility that deadly force will have to be used.

Montana Stand your ground law -- No Duty To Summon Help Or Flee

45-3-110. No duty to summon help or flee. Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.

“The **Second Amendment** protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense.”

*Intimidation Vs **deterrence** -- the action of discouraging an action or event through instilling doubt or fear of the consequences.

"nuclear missiles remain the main deterrence against possible aggression"

"a warning shot is a deterrence against imminent death or serious bodily harm"

*MCA 45-3-111, 45-3-102, 45-3-110 negate the "assault with weapon" and "intimidation" charges, there are no "victims" to substaniate charging MCA 45-5-213, 45-5-203

These two laws conflict with the right to self-defense (as provided by MCA 45-3-111, 45-3-102, 45-3-110, and the Second Amendment) and the firing of a "warning shot" as an act of self-defense, there are no "victims" to substaniate charging MCA 45-5-213, 45-5-203

Assault With Weapon

45-5-213. Assault with weapon. (1) A person commits the offense of assault with a weapon if the person purposely or knowingly causes:

(b) reasonable apprehension of serious bodily injury in another by use of a weapon or what reasonably appears to be a weapon.

(2) (a) Subject to the provisions of subsection (2)(b), a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both.

(b) In addition to any sentence imposed under subsection (2)(a), if the person convicted of assault with a weapon is a partner or family member of the victim, as defined in 45-5-206, the person is required to pay for and complete a counseling assessment as required in 45-5-206(4).

Intimidation

45-5-203. Intimidation. (1) A person commits the offense of intimidation when, with the purpose to cause another to perform or to omit the performance of any act, the person communicates to another, under circumstances that reasonably tend to produce a fear that it will be carried out, a threat to perform without lawful authority any of the following acts:

(a) inflict physical harm on the person threatened or any other person;

(3) A person convicted of the offense of intimidation shall be imprisoned in the state prison for any term not to exceed 10 years or be fined an amount not to exceed $50,000, or both.

*warren a cline ...previous oregon arrests for burglary, assault, possession of heroin

DOB: Aug 18, 1967 (MT criminal records search with this DOB does not return any criminal records. Seems "odd" that a guy that slaps his girlfriend around, has fights with the est family that involve county deputies, tries to start bar fights, and has a rap sheet as long as your arm in Oregon... has no MT criminal record(s) over the past 4 years

(2020 - 2024)

warren adrian cline has a record of having served time for burglary (oregon) and for possession of heroin and an extensive interaction with Oregon law enforcement/courts (parole violations, etc)

paula deanna nicol has a record of Methamphetamine use (oregon), lots of interaction with Oregon law enforcement/courts and there is some reference on social media to child being taken by the state of oregon (there was a image of her in a room with a child and a social worker in the background taking notes), repeatedly states on FB her status as a "recovering alcoholic"

POSSESSION OF HEROIN

Court Offense POSSESSION OF HEROIN

BURGLARY IN THE SECOND DEGREE

Name on Record Warren Adrian Cline

Warren Adrian Cline Born Aug 1967

violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id

Name Deanna Last Name Nicol Born Oct 1972

Deanna Paula Nicol, Deanna Paula Jordan, Deanna P Nicol, Paula Deanna Jordan, D Jordan, P Jordan Deanna

violation of basic rule | violating the basic speed rule | parole violation. | parole violation. dws felony | viol ignition interlock device installation condition | criminal driving while suspended or revoked | assault 4th deg - 4- domestic abuse | failure to appear 2nd deg | failure to appear in the second degree | driving uninsured | disorderly conduct in the second degree | disorderly conduct | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | drive under influence intox | parole violation. | probation violation | sanc probation sanction | exceed maximum speed | criminal mischief in the second degree | careless driving

3/2025 - If you hear the argument... he came to a "fist-fight" with a gun, lets consider ...

The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

Lightweight - 135 pounds (Defendant) Vs Heavyweight - 200+ pounds ("Victim")

Sounds like a "mismatch" doesn't it.

So a warning shot was fired ---

Do you think the Defendant should have his teeth knocked out before he can defend himself ?

His spleen or kidneys ruptured ? His eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should the Defendant let the "victim" "put me in my place" the way he "put her in her place" as the "victim" said about his girlfriend ? What should the defendant allow an ex-convict to do to him that allows the defendant to react to the threat the "victim" is expressing to the defendant ?

Do you think that is what the 2nd amendment means ? That the defendant has to suffer severe injury before the defendant has the right to defend himself. Would you wait until your teeth were on the ground ?

Do you think Montana's right to use force law means bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill.

The defendant has the right to say, with a warning shot, hold on buddy, I'm not going to allow you to hurt me, the defendant has the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I have the right to stop you.

Defendant: "I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by (victim) who was approaching me in a threatening manner." "victim is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

"victim" did not even flinch when defendant fired the warning shot, but he stopped his aggressive approach.

3/2025 - Motion to Dismiss

(see attached video file of recovering bullet from Joshua Ferren weapon discharge)

https://youtube.com/shorts/3_kmB71W_aM

*would be interesting via Discovery to see what the state firearms analyst has to contribute to the county attorneys case

3/2025 - Alright, it's time for team "lets keep joshua out of prison" to calm down, take a deep breath, and hit that b**** jackson with everything we can throw at her.

At the next hearing present a motion to dismiss.

The prosecution does not have witnesses.

Constitution of the United States Sixth Amendment

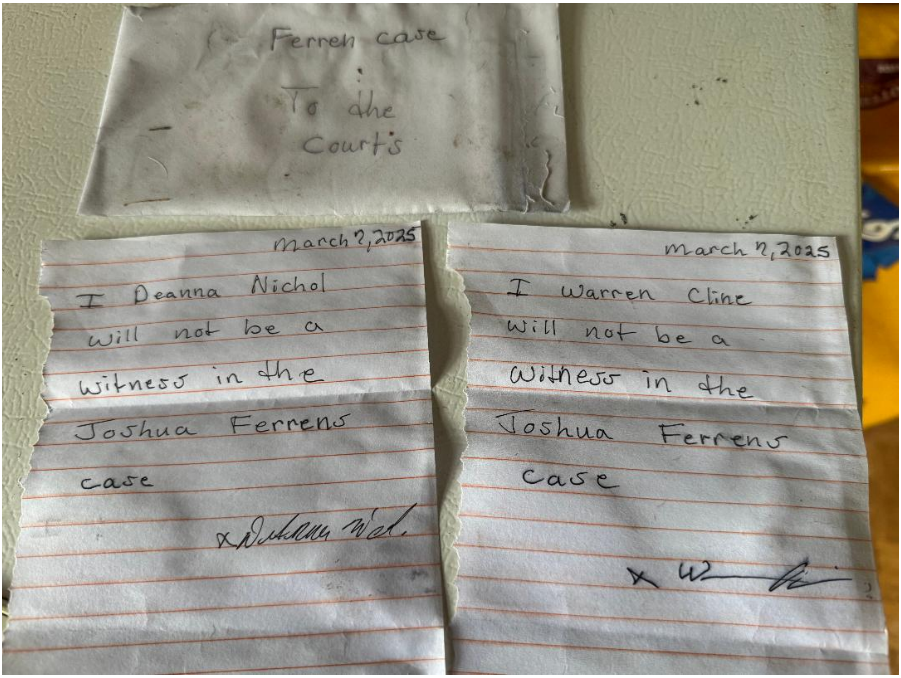
In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

A trial without witnesses violates the defendant's Sixth Amendment constitutional to be confronted with the witnesses against him.

If witness is not at trial / does not testify / indicates non-participation in case:

If the State can satisfy the court on the issue of hearsay, the prosecutor must next overcome the Defendant’s 6th Amendment right to confront and cross examine any witnesses against them. The landmark Supreme Court decision of Crawford v. Washington holds that a prior testimonial statement is admissible against the defendant in a criminal prosecution only if the person who makes the statement is available for cross examination either before the trial or at the trial. Crawford v. Washington, 541 U.S. 36 (2004). In plain language, the State must satisfy the court that the witness making the out of court statement, if testimonial, was subject to cross examination at some point in time.

The State's witnesses Cline and Nicol have stated they will not participate in the trial.



Ferren case

To the

Court's

March 7, 2025

I Deanna Nichol

will not be a

witness in the

Joshua Ferrens

case

x Deanna Nich.

March 7, 2025

I Warren Cline

will not be a

witness in the

Joshua Ferrens

case

x

(see witness_withdraws)

The State now has a case against another member of the cline/est family for sex without consent and other charges. *(see note below on a related item)

The State made a motion regarding jury tampering:

<Glenn Ferren> First, I am a "concerned" citizen exercising my First Amendment Right of Free Speech and Jackson can feel free to charge me. If she has a righteous case, she would not be at all concerned about anything that might be said about it.

Second, I am willing to chance that a defendant can choose whatever method he wishes to defend himself, in this case via my postings on social media.

And Third, IF Jackson wants to put what I have been posting in front of the Judge, I have no problem with that.

Now the enemies of team "lets keep joshua out of prison" :

Debra Jackson, the "its not my fault" County Attorney, who created charges using false information supplied by:

Ethan Atkin, the "assert my authority" County Deputy who saw an opportunity for payback

and

Warren A Cline, the complaining witness/ "victim" with a history of violent acts against his girlfriend, family, and others.

The job of this team is to get as much information as possible about this flawed case and the criminal element at 320 cabin city loop road in front of the judge. Perhaps he is tired of the shit show that is the Mineral County attorney's office and the MCSO. Perhaps he will understand why having a gun handy when dealing with these folks is a good idea.

*Note: regarding the sex-traffic'ing case there has been reference to another girl that OD'd at that location, and just like the stabbing incident, did not make the news. I don't know if this is an event that actually happened, my source is a bit of a BS expert, BUT if it did happen ... where is this girl/woman/victim ? There was evidence of physical violence against the girl that did the stabbing, perhaps it was not the only incidence.

Note 2: Just in case you did not know and only so you do know, the MCSO Sheriff, Ryan Funke, was implicated in the poaching ring in Lake County circa 2010. And there was a pretty extensive coverup of the "coyote club" due to the fact that most of the LE up there was involved in it. The coverup involved the attorney general at the time.

***4/2025** - ann davis to debra jackson* - Hi Deb:

Thank you for getting back to me. I have to admit, however, that I am puzzled by your response. Melanie Dodge and Laura Hauff do not now, nor have they ever been employed at this office. They are employed by the Main office which has a conflict in this case. They are not ethically permitted to view the discovery that you purportedly sent to them. My assistant has always been Juanita Nystrom, which is who discovery should be directed to—not Ms. Hauff or Ms. Dodge.

Furthermore, I have been practically begging for this discovery in this case since my appearance on August 30, 2024. I have sent multiple emails regarding this issue (I received no response) and was forced to file a Motion to Exclude/for Sanctions to preclude you from using the information that you had failed to provide.

Please confirm that you have now provided ALL of the discovery in this case and that no additional information exists. I am not confident that I have received all the information given the State's unwillingness to be thorough, respond to requests or cooperate with simple discovery requirements.

Finally, if the State's position remains that it is "too burdensome" to send the discovery to the correct office and/or refuses to confirm that you have supplied the entirety of the materials in this matter, I will simply address it with the Court at the Motions hearing that will likely be taking place. You will have an opportunity to explain to the Judge exactly what happened and why the State was unable to timely comply with simple discovery statutes. I suspect that Judge Vanatta will not be overly impressed by the State's lack of diligence in providing the materials to the correct office or at all given the timeline of this case. I have a hard time believing that adding Ms. Nystrom to the File Transfer system is as burdensome as you assert.

In any event, I am asking that you please copy Juanita Nystrom going forward with any discovery the State provides. While I appreciate it is your choice whether to be cooperative in providing her with the materials I received yesterday and today (after filing Motions on the topic to finally get some response from the State), I will let you explain your rationale in refusing to do so to the Court.

Ann M Davis

Office of the Public Defender

Conflict Division—Missoula

111 North Higgins, Suite 300

Missoula, Montana 59802

Telephone: (406) 329-1300

Ann.Davis@mt.gov

From: Debra Jackson <djackson@co.mineral.mt.us>
Sent: Wednesday, January 15, 2025 9:29 AM
To: Davis, Ann <Ann.Davis@mt.gov>
Subject: [EXTERNAL] RE: File Transfers for Josh Ferren

No, you can transfer the discovery to her. This is very time consuming and I did this as a courtesy. We have sent this discovery out numerous times. So, I would suggest you transfer the information or download it yourself. I sent it to you myself to verify you received it. It also went to Laura Hauff and Melanie Dodge, maybe they can assist you.

Deb

From: Davis, Ann <Ann.Davis@mt.gov>
Sent: Wednesday, January 15, 2025 8:05 AM
To: Debra Jackson <djackson@co.mineral.mt.us>
Subject: File Transfers for Josh Ferren

Good Morning Deb,

Thank you for sending the files. I need my assistant to have access to them. Can you please give her permission and/or send them to her email. Her name is Juanita Nystrom, email JNystrom@mt.gov

Thank you,

Ann M Davis

Office of the Public Defender

Conflict Division—Missoula

111 North Higgins, Suite 300

Missoula, Montana 59802

Telephone: (406) 329-1300

Ann.Davis@mt.gov

1/2025 - debra jackson to ann davis - No, you can transfer the discovery to her. This is very time consuming and I did this as a courtesy. We have sent this discovery out numerous times. So, I would suggest you transfer the information or download it yourself. I sent it to you myself to verify you received it. It also went to Laura Hauff and Melanie Dodge, maybe they can assist you.

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Thank you,

Ann M Davis

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Conflict Division—Missoula

111 North Higgins, Suite 300

Missoula, Montana 59802

Telephone: (406) 329-1300

Ann.Davis@mt.gov

3/2025 - josh ferren to ann davis - Hi Ann! **So I found out this weekend one of the neighbors at the ests residence was arrested for apparently sexual assault charges of some sort. His next appearance is scheduled the same day as my next hearing. Let me know what you think about this. Also, word around the campfire is Warren and Paula are heading to town today to sign papers that they don't plan on testifying. Last week the sheriffs had 3 units at their house and seized all their computers and electronics. They were there just under 2 1/2 hours. I hope this news helps my case. Have a good day!**

3/2025 - josh ferren to ann davis - > On Mar 14, 2025, at 6:45 PM, Josh Ferren <joshferren@icloud.com> wrote:
>
> I feel like the public needs to see his case first so when I'm in front of the local jury the will associate my case a little bit more in the realm of what is going on around here. I told you these guys were bad, that's not a lie. Few days ago I was alerted on my cam and saw Warren planting a truck window frame in my driveway in the snow. That's where I found an envelope with warrens and Deeann's signed statements saying they dont want to testify. I tried calling you this week but couldn't get anyone on the line. In my eyes it's absolutely helpful to this case. They are bad people and I should have never been arrested. Are you aware of the "coyote club" if not, I highly suggest you look it up because that is the sheriff that is running our law-enforcement around here. Every news station between Plains and North Dakota has been fully informed on everything that has been transpiring from this case. This is going into the spotlight as it should because a silent voice is never heard and the things around here need to be changed. I got arrested for standing my ground and that is a second amendment violation in its clearest. If you had three years worth of work stolen from you by some Social Security reception, who is obviously working the system as everyone in that household is on Social Security, but they all can work, you would be upset just as I was.. They're not disabled. The boy they got arrested for sex trafficking ..I guess he's almost 30 Chuck and Heather are the parents and caretakers of this kid. Have you subpoenaed the 911 call log from my residence over the years I've lived here? That is one crucial piece of evidence to back this case. Once again thank you for all that you are doing, I appreciate everything.
> Sent from my iPhone
>
>> **On Mar 14, 2025**, at 5:07 PM, Davis, Ann <Ann.Davis@mt.gov> wrote:
>>
>> Josh,
>>
>> **Thank you for the information. However, I don't think any of it is important for our**

case. None of the events are closely related to the actual incident of our case and so nothing can be brought in at trial. If Warren and Paula don't show at the trial, that might help our case, but the trial and proceed anyway.

>>
>>
>> Ann M Davis
>> Office of the Public Defender
>> Conflict Division—Missoula
>> 111 North Higgins, Suite 300
>> Missoula, Montana 59802
>> Telephone: (406) 329-1300
>> Ann.Davis@mt.gov
>>
>>
>> -----Original Message-----
>> From: Josh Ferren <joshferren@icloud.com>
>> Sent: Monday, March 10, 2025 11:07 AM
>> To: Davis, Ann <Ann.Davis@mt.gov>
>> Subject: [EXTERNAL] Est arrest
>>
>> Hi Ann! So I found out this weekend one of the neighbors at the ests residence was arrested for apparently sexual assault charges of some sort. His next appearance is scheduled the same day as my next hearing. Let me know what you think about this. Also, word around the campfire is Warren and Paula are heading to town today to sign papers that they don't plan on testifying. Last week the sheriffs had 3 units at their house and seized all their computers and electronics. They were there just under 2 1/2 hours. I hope this news helps my case. Have a good day!

5/2025 - Why are we here ?

Things to keep in mind before you go to trial.

Warren, Paula, and the rest of the family (Est) are lawbreakers, some more criminal than the others.

"the whole family was doing meth, and I was tired of getting busted for smoking pot", Chuck Est (when Est family returned to Cabin City from Hibbing MN)

1 --Why are we here ? -> Joshua called 911/Mineral County Sheriffs Office

2 -> Deputy Atkin responded to that call and built a case against Joshua. [both parties strongly dislike each other, one has the power to put the other in jail] ...a Brady Deputy

`[rim_condensed_print_ea--(atkin 54-4) I had previous dealings with Joshua in which he was always carrying a firearm, and frequently intoxicated. Joshua was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music.]`

3-> Debra Jackson saw an easy case based on the report submitted to her by atkin; she expected no "push back" against her "version of the facts" and her "authority".

*Believes she is the law, and is a knowing player in atkins plan for payback.

Not a conspiracy, it is my humble opinion that this incident fell in his (atkin's) lap and he took advantage of the situation.

4 ->and the bit players in this drama ... warren cline, paula nicol, deputy hughes

warren - thief, paula - alcoholic, hughes - backup support/buddy system

5->warren/paula do not want to be a part of this event, for good reason, and are testifying

under order of subpoena, if Joshua had not called MCSO, this trial would not be occurring.

Mantra for jury

[If he/she lied about this, what else are they lying about ?]

*the jury cannot "unhear" what they hear, and when the "state" witness tells a lie, move closer to the jury and say, "can you repeat that, I didn't quite catch what you said"

[Joshua is a witness in the William Est case] [fyi - William Est has mental issues and has been medicated for years, he would literally stand in the yard and scream at the top of his lungs prior to better living through chemicals treatment]

5/2025 - Second Amendment self-defense case May 19th Superior <FaceBook posting>

Why are we here ?

Things to keep in mind before you go to trial.

#1, #2, and the rest of the family () are lawbreakers, some more criminal than the others.

"the whole family was doing meth, and I was tired of getting busted for smoking pot", #1 family member (when #1 family returned to AA from BB)

1 --Why are we here ? -> X called 911/Mineral County Sheriffs Office

2 -> Deputy Atkin responded to that call and built a case against X. [both parties strongly dislike each other, one has the power to put the other in jail] ...and is a Brady Deputy

[rim_condensed_print_ea--(atkin 54-4) I had previous dealings with X in which he was always carrying a firearm, and frequently intoxicated (drinking). X was also known to me to be volatile and irrational at times, such as shooting his firearm at night on his property in response to his neighbors playing loud music.][X called atkin a coward at least twice and he took it personally]

3-> Debra Jackson saw an easy case based on the report submitted to her by atkin; she expected no "push back" against her "version of the facts" and her "authority".

*Believes she is the law, and is a knowing player in atkins plan for payback.

...it is my humble opinion that this incident fell in his (atkin's) lap and he took advantage of the situation.

4 ->and the bit players in this drama ... #1, #2, deputy hughes

#1 - thief, #2 - alcoholic, hughes - backup support/buddy system

5->#1/#2 do not want to be a part of this event, for good reason, and are testifying

under order of subpoena (there is a written/signed statement to that effect) ,

if X had not called MCSO, this trial would not be occurring.

Mantra for jury -- [If he/she lied about this, what else are they lying about ?]

[X is a potential witness in the #1 family's pending criminal case, having helped one of the victims escape by taking her to Missoula Poverello]

5/2025 - How Debra Jackson killed the Second Amendment, May 19/20 2025

Working with false evidence and an ex-convict meth head with a "creative" story, Jackson convinced a jury of Mineral County Second Amendment supporters to bring guilty charges in a self-defense trial. But we all know ex-convict meth heads need someone to look out for them, right ? Their's is a hard life. And this one just wants to bring flowers and rainbows to the world, and especially to his neighbors. He would never steal from them (he said so).

On Monday May 19th, an image depicting the complaining witness and a hole in the county roadway was submitted to the jury as evidence of a bullet impact location. Problem is that it is not the bullet impact location. This photo and another photo (of the actual impact location) were submitted during deputy atkin's post incident data gathering. Atkin noted that the hole complaining witness claimed (10) minutes after the incident was the impact site "right at my feet, 3 ft away"... was NOT a bullet impact site. (there was no discharge investigation/bullet fragment gathering done by MCSO at the time of the incident or later) The defendant in the week of the incident, provided a video of metal detector recovery of fragments from the bullet impact site to his public defender. Exactly where he said he shot and 180 degrees away from the complaining witness and his "right at my feet, 3ft away" hole (someone had kicked a rock out of the roadway).

This is an important piece in Jackson's miscarriage of justice. It sets up the meth heads status as a "victim" and allows for his narrative of how the incident progressed according to his testimony. He was just out to see what was wrong with his neighbor and how could he help. **But, and this is interesting, because it was not in the report made (10) minutes after the incident in august 2024, the "victim" now added a new twist to his story. It seems the shot "right at my feet" occurred after he had turned to walk away, so he turned around again to face the defendant, because "I was afraid he would shoot me in the back". Problem is, none of that happened.** Now, in a self-defense case, if you are painted as the aggressor, and especially if you are a "back-shooter", you have no legal right to self-defense.

Game over.

And this is just the way Jackson presented it to the jury. But she had help. When atkin testified, as he was about to describe the photo of the (actual) bullet impact site (this guy is an ex-military tanker and knows about bullet and cannon shell impact sites), the defendant's public defender interrupted him (I think asking about the non-investigation/no fragment recovery by MCSO) and somehow, beyond reasonable explanation, the false evidence photo (not the bullet impact site) was accepted as evidence to put before the jury. This is not the only F***up by the PD during the two days of trial.

There was the incident where deputy hughes blurted out "history of aggression" (there was none, it was the line he partially remembered from atkin noting defendant was aggressive toward law enforcement (he called atkin a coward). The folks in charge decided no one had heard the comment (I heard it in the back of the court room, and hughes was right in front of the jury). Not a good thing for the jury to hear. (and not true)

Also, the public defenders convinced the defendant that he did not need to testify. No need, they had the case (won the case insinuated) because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. **(defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on the meth heads chest to hold him back, as the meth head did stop but not retreat after the discharge.** that kinda indicates no assault and no intimidation IMHO)

5/2025 - Office of State Public Defender
5/25/2025

Director Brett Schandelson

Region 1 Managing Public Defenders

Hailey Forcella

Meghan Benson

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Division 3, Division Administrator

Eldena Bear Don't Walk

610 N Woody, Missoula, MT 59802

Joshua Ferren

331 Cabin City Loop Rd

St Regis, MT 59866

(406) 649-2145

Reference # DC-31-2024-0000032-IN State of Montana Vs Joshua David Ferren

Review the attached.

We would request an expedited Action/Appeal in this matter.

And that the defendant remain free pending further resolution of this case.

Numerous errors were made in this trial, and false evidence was allowed to be submitted to the jury.

Joshua Ferren

(authorized to assist by defendant)

Glenn Ferren

7/2025 FB posting - glenn ferren to pds - It would be preferable if one of you would read this statement, otherwise he will read it, and then you can add your own statement after this one.

<the pds ignored the opening statement provided. At the trial my notes on the 2nd day would read that we only had one hope and that was if the jury saw how sketchy warren and paula were because the pds had failed to achieve that. And Josh did want to testify but the public defenders told him the case was theirs, they would win and there was no need for him to testify. My intent was to protect him from jackson, but it would have been in his best interest to testify as he wanted to at that time.>

->My name is Joshua Ferren. I have a son, 18, and two daughters, 7 and 8. I am a roofer by trade. I have a GED education and I don't use big words. I do understand right from wrong and I did not break the law. Like you, I want to live in peace. I was offered a plea deal if I would plead guilty to crimes I did not commit.

If you knew what the State and the court will not allow you to know, this trial would be over in 5 minutes and you would call for the resignation of Debra Jackson and Ethan Atkin. That

information will be available to you after this trial. I hope you believe in and uphold the Constitution and the Second Amendment. Regardless of what you have been told, you the jury are the authority here. You have the power to make a legal system a justice system.
You heard the argument... he came to a "fist-fight" with a gun, he should have stayed home ... (this incident occurred in a public roadway, and I was waiting for the MCSO to arrive and both Paula Nicol and Warren Cline approached me in the roadway)
The court says I can't tell you about their extensive criminal history or the multitude of calls answered by the MCSO at that residence, some of which were violent incidents.
But I can tell you that I had personal knowledge of Warren Cline's violent nature; I saw him fight with his brother-in-law, and as you heard on the bodycam video I knew he had put his girlfriend "in her place" just a couple of weeks prior to this event. I knew he had an altercation with his nephew that involved a machete. I knew of violent incidents at the Cline/Est residence. I helped the victim of a crime at that residence.
And to reinforce my belief that Warren Cline did actually steal my ingot of silver, which I had made for my daughters, he had related to me an event where after a disagreement with someone that owed him money, he said that he stole their tool set.
Lightweight - 135 pounds (Josh Ferren) Vs Heavyweight - 200+ pounds (warren cline)
If you understand boxing, this sounds like a "mismatch" doesn't it.
So a warning shot was fired in self-defense
Do you think the I should have my teeth knocked out before I can defend himself ?
My spleen or kidneys ruptured ? My eye gouged out ?
Is that what you would do, wait for the hands around your throat ?
Should I have let Cline "put me in my place" the way he told me he had to put Ms Nicol in her place. What should I allow an ex-convict to do to me that allows me to react with justifiable force in self-defense to the threat that Cline expressed to me in the form of physical violence ?
Do you think that is what self-defense and the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself? Would you wait until your teeth were on the ground ?
Do you think Montana's self-defense right to use force laws mean bodily injury must occur first ?
No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense, your most important civil right. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill. In Ohio recently a court ruled on a self-defense case ...that the self-defense law in that state does not require an intent to harm or kill another, just the “intent to repel or escape force.” A headline in the Missoulian in 2012 reads... "officer fires warning shot ..." My intent was to repel or escape force.
As I said on the bodycam, I stopped a bear in his tracks.
I have the right with a warning shot or a lethal shot, to respond to a threat of serious injury. I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I do have the right to use justifiable lethal force to stop you.
I feared serious bodily injury and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by (warren cline) who was approaching me in a threatening manner, fists clenched, face contorted in rage. Cline is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."
Warren Cline did not even flinch when I fired the warning shot, but he stopped in his tracks.
And think about this... warren cline never cried out in fear, did not say "don't shoot me", did not call out for help, did not run back to his yard, and did not call the MCSO. He stopped in his tracks, stood 2 feet away and yelled angrily at me. We began to move out of the public roadway and back to our respective properties and waited for the MCSO deputy that I had called for to arrive.
I am the one that called the MCSO, (20) minutes before this happened. the 911 call 18:46 (6:46pm) deputy arrived at 19:04 (7:04) And I made that call sound urgent to get a quicker response rather than the usual slow response.
The State who was not present when the incident occurred, through it's agent county attorney Debra Jackson, says I have no right to self-defense. The County who did not investigate a theft and who was not present when the incident occurred, through it's agent deputy Ethan

Atkin, says I have no right to self-defense. The State by its actions prosecuting the false allegations of the County has cost me at least $10,000 in bail money and lost wages due to the conditions of that release. Therefore, I ask the jury to find me not guilty on all charges and to award compensatory damages in the amount it sees fit, for associated costs incurred, and an additional amount for the mental anguish and stress associated with being the victim of this egregious prosecution and the false arrest based on a false depiction of the event that transpired , that has added a sense of chaos and uncertainty to my life.
Between criminals and mentally disturbed individuals in my neighborhood and a sheriff's department that may or may not answer a call or even just drive by and not stop, I am glad that I have the Second Amendment right to self-defense and that I can defend myself.

6/2025 - Request for Appeal must be handled by trial counsel.
Matter cannot be referred to our office for appeal until a filed, written judgment has been issued.
Please discuss with your trial attorney.

Kim Harrison
Office Manager/Legal Assistant
Office of State Public Defender
Appellate Defender Division
P. O. Box 200147
Helena, MT 59620
406-444-9505

-----Original Message-----
From: Glenn Ferren <gferren@yahoo.com>
Sent: Sunday, June 8, 2025 8:15 PM
To: ADO General Office <ADOGeneralOffice@mt.gov>
Subject: [EXTERNAL] status of appeal, client requests update status on appeal

client : Joshua David Ferren<joshferren@icloud.com> Cause No. DC-31-2024-0000032-IN

OPD Mission
MISSION

Providing the most compassionate and expert defense of clients and the Constitution.

VISION

Creating expert teams of advocates for justice, bringing respect and dignity to our clients to achieve holistic and equitable outcomes.

Why the defendant lost this case, trial on May 19th/20th 2025...

For about (9) months before the trial in this case I provided the public defenders with everything they needed to expose the State's weak and contrived case; the lack of credibility of the state's witnesses (Warren Cline, Paula Nicol) , the facts regarding the criminal history and violent acts of Warren Cline's both past and present day history, and the conflict information regarding the adversarial relationship of deputy atkin and the defendant. I pointed out the false evidence of the photo that was not the bullet impact location and the subsequent lies by Cline based on that photo. I was concerned when I heard from the public defenders private investigator that Anne Davis thought I was "trying to tell her how to do her job", concerned when I saw an interoffice email regarding a file access issue that described me as the father of the defendant saying the defendant was a 50 year old client (he is in his 40's), and when I brought in a lawyer for a consultation on the case and he related his understanding of the case after talking to Anne Davis… his saying that Joshua was shooting at Warren and Paula as they were standing in their doorway. My concern was that the public defenders did not have a firm grasp of the facts of the case and a good knowledge of the parties involved, what had transpired and why. As I sat through the jury trial my concern and fear was confirmed by the mistakes being made by Anne Davis and Suzanne Marshall. I questioned to myself if anyone either prosecutor or public defender had actually viewed and listened to the bodycam of Atkin's interaction with Warren Cline and Joshua Ferren. The first day of trial I was alarmed, but the second day of the trial I was incensed. I walked up to the defendants table and told Joshua to go to the judge over the misrepresentation he was receiving from his public defenders. I gave him a list of the errors they were making that indicated their failures to represent his interests and to impeach the false testimony of Warren Adrian Cline. Their reply to me was "we can leave", "you can do this". My reply was "I can". And I would have. Joshua decided he had faith in the public defenders and wished to continue with them as his counsel. I wrote in my notes that afternoon that our only hope of winning the case was that the jury had seen how sketchy Warren and Paula were from their testimony. But Warren had played his role well, speaking very low and hunching down in the stand to not appear to be a 6ft 200lb ex-convict. He was encouraged several times to speak up so that the jury could hear him. Judge Vannatta had even remarked that he (Warren) was "nervous quiet", as opposed to "nervous loud". Paula Nicol's testimony reflected her inability to remember what happened yesterday much less what had happened in August of 2024. Drug and alcohol abuse have severe effects upon memory. And the most unforgivable arrogant action by the public defenders came when they told Joshua that he did not need to testify because they had won the case, that Jackson had not met her burder of proof beyond a reasonable doubt to substantiate the charges of assault, intimidation, and resisting arrest. Honestly, I had discouraged Josh's testimony due to his lack of education and the knowledge that it would open him up to avenues of questioning that he could not defend against. But knowing this statement that Joshua would have made about the incident, I believe it would have swung the jury away from Cline's lies, Jackson's "version of the facts" and he would have been found innocent of all charges. **Joshua would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on the Warren Cline's chest to hold him back, and Cline did stop his advance, but did not retreat after the discharge.**

If someone is aggressive and close enough that you can push them back with your hand, they are too close and too aggressive.

video trim cline stmts 2

video trim cline stmts 3

I supplied the Public Defenders with a background history on the Est family (see Public Defenders chapter)

I’ve known the Est family for about twenty years. They have always been a bit eccentric, living kinda on the edge of normal, on the fringe of society. They have now become unstable, especially since Warren Cline arrived in a permanent status at the residence in 2020, at 320 Cabin City Loop Rd.

When the Est family returned from living for a few years in Hibbing MN, Chuck Est approached me while I was putting up a gate in the driveway and said, **“the whole family was on meth and I was tired of getting busted for smoking pot”.**

Warren Adrian Cline lives on the property owned by his brother-in-law Chuck Est and his sister Heather Est. His nephew William Adrian Est currently faces several felony charges.

Charge Summary DC-31-2025-0000007-IN State of Montana vs. William Est

Sel Charge Count
Statute Plea Disposition
Charging Document License Alerts

1 1 45-5-213 : FEL-Assault With Weapon

2 2 45-5-303 : FEL-Aggravated Kidnapping

3 3 45-5-503(1) : FEL-Sexual Intercourse Without Consent

4 4 45-5-220 [FEL] [1st] : FEL-Stalking

When Order of Protection in Place - 1st Offense - Felony

They share a residence; the water, electricity, the bathroom, and warren and paula are living in a travel trailer within feet of the est trailer. I'm skeptical that they did not know what was going on between william and the (at least 2) girls/ women involved with william. < **one female overdose at the residence, one female stabbing of william est at the residence – 2024** >

Update - DC-31-2025-0000007-IN - State of Montana vs. William Est Defendant

Pending Halligan, Leslie 03/04/2025

Assault With Weapon DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Aggravated Kidnapping DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Sexual Intercourse Without Consent DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Stalking When Order of Protection in Place - 1st Offense - Felony DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Tampering With Witness/Informant DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Tampering With Witness/Informant DISPOSED: - VIOLATION DATE: 2025-02-01 00:00:00

Typical behavior from the Est family (Warren Cline on porch), video link below -- this is Chuck Est after the self-defense incident with Warren and they are expressing their displeasure that Joshua called 911/the sheriffs office regarding the theft.

Chuck Est harrassment

The court is ignoring the Motion for Retrial so that Motion will be a basis for the Appeal. In the meantime while we wait for the sentencing (last step of the process before an appeal can be filed), I put this letter in front of the judge. We keep trying to give the “truthfinder” information regarding Cline and his family. Vannatta likely did not read it and it was handed over to the public defenders (ann davis, suzanne marshall)

<sentencing date is 9/18/2025>
Hon. Shane Vannetta 7/13/2025
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, MT 59802
Submitted Sentencing Considerations:

Joshua was offered a plea deal, (five year deferred sentence on the first charge with the other two dropped. 2 1/2 years of probation with the likelihood of regaining my gun rights.)

At trial the public defenders convinced Joshua that he did not need to testify. No need, they had won the case because they felt that Jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on Warren Clines chest to hold him back, as Cline did stop but not retreat after the discharge.)

Joshua tried to help one of the victims of the cline/est family escape: (It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from.
Few weeks later I heard she stabbed the boy and that's the last I heard of it. Apparently she

stayed at the shelter and chuck picked her back up and brought her back to his house where the boy beat her again.
I saw her sitting in the road in between .... place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the est place. I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.
I imagine she didn't. I helped her drag her suitcase into the shelter and told her good luck and left. No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know, I just felt bad seeing her crying in the damn road.)

warren adrain cline: took his brother-in-law chuck est down in a yard fight, three or four weeks before the incident with Joshua Cline "put his girlfriend in her place", Tattoo says "mighty whitey"

(Warren Adrian Cline, from Crook County, Oregon - criminal violations :Burglary, Assault, Possession of Heroin) [violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured |

operating a vehicle without driving privileges I parole violation. I disorderly conduct in the
second degree I contempt of court I possession of heroin I 5012 - probation violation I
violation driving while suspended I disorderly conduct I disorderly conduct in the second
degree I failure to appear in the second degree I 5015 - failure to appear 1st deg I 2999-
criminal mischief 2nd deg I criminal mischief in the second degree I remanded to custody I
violation driving while suspended I assault in the fourth degree I violation driving while
suspended I driving uninsured I burg. 1st deg I recklessly endangering another person I theft
1st deg - 1 I burglary in the first degree I failure to carry proof of compliance I failure to appear
in the second degree I 5015 - failure to appear 2nds deg I disorderly conduct in the second
degree I disorderly conduct I driving uninsured I violating the basic speed rule I violation
driving while suspended I burg ii I burglary ii I fail ap i I failure to appear i I burglary ii I
violation of restraining order I hit and run vehicle-property I 5012 I 5011 I 5005 I disorderly
conduct I 2999 I 5015 I remanded to custody I 5309 I contempt of court I criminal nonsupport
I opr vehicle/vio restrictions I failure to appear-2 I no valid oper license with valid id])

Related case in progress: [DC-31-2025-0000007-IN State of Montana vs. William Adrian Est
(6) felony charges] -- Cline's brother-in-law, Cline's sister,

Cline's nephew. The connection is that all of these individuals live on the same property and share the same facilities, in a mobile home and travel trailer within feet of each other. [Est charges: 45-5-213 : FEI-Assault With Weapon 45-5-303 : FEI-Aggravated Kidnapping 45-5-503(1) : Fel-Sexual Intercourse Without Consent 45-5-220 [FEI] [1st] : FEI-Stalking When Order of Protection in Place- 1st Offense - Felony 45-7-206: FEI-Tampering With Witness/ Informant 45-7-206: FEI-Tampering With Witness/Informant **<next court date for William Est is set for November 2025>**

I believe Joshua has learned some valuable insights from this experience. Incarceration will prevent him from working and meeting his responsibilities such as child support. The plea deal he was originally offered would be a good sentencing decision **(five year deferred sentence on the first charge with the other two dropped. 2 1/2 years of probation with the likelihood of regaining my gun rights.)**

Glenn Ferren

Chapter 7 – Joshua Ferren, defendant

Joshua Ferren, Defendant who exercised his Second Amendment right to self-defense

Cause No. DC-31-2024-0000032-IN Judge Shane Vannatta

Montana does have a statute that allows you to convey that you are armed. If you are "threatened" with bodily harm, it states you "may warn or threaten the use of force, including deadly force, against the aggressor, including drawing or presenting a weapon." **See 45-3-111 MCA.** This statute was enacted to prevent individuals from being charged with "brandishing" if they display, or even draw their firearm, in response to a threat.

Montana law only allows use of deadly force (firing your weapon) if it is "necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony." **MCA 45-3-102**

Montana law also provides that "the firing of a firearm in the direction of a person, even though no purpose exists to kill or inflict serious bodily harm" constitutes use of deadly force. **MCA 45-3-101**

Father to Son - > Consider: (advice)

you are now involved in a game called put Josh in prison, that is the intent of the county/state

that is what they will try to do, nothing else matters to the county/ state

(its a "legal system", not a justice system - it exists to keep deputies/ jails/prisons full -- there are people involved that have careers based on it, and money and bodies are needed to feed that system)

your part in this game is to try to keep them from putting you in prison (deer lodge)

you are the one on trial (the est are not/warren cline is not)

you are defending your actions involving the gun

any screw-up on your part until this is finished is another strike against you

you can make a statement, through your lawyer, which will become part of the record in your defense

the county/state will use every incident they have been in that involved you since you started living in cabin city, they may question your neighbors to use their testimony against you, they will paint you as an out-of-control nut with a gun in conflict with his neighbors that is going to kill someone

the deputy (atkin) that you called a "coward", will be out to get you put away -- the guy is ex military, shaved head and all -- probably why he charged you the way he did, he could have let it go or even gone with public disturbance, he went with a charge that has a penalty of up to (20) years and a $50,000 fine

your best hope is for a jury that is pro-2nd amendment, don't even believe they care one way or the other about you and the incident, you may wind up with people on the jury that have moved to Montana from California and hate guns, if you go to court looking like you do now, these will be people that would normally avoid someone that looks hairy and wild.

it would help if the est/cline criminals decide not to participate in these legal shenigans, but don't count on it, its a long shot (having been on the receiving end of the system, they may feel like the shoe is on the other foot and be empowered to be on what they perceive as the winning side). It would weaken the states case, the state could still proceed.

(Joshua Ferren - >effects of legal process) I'm down about $25,000 this year

And that's just lost wages

Honestly, at this point if unemployment doesn't come through, there's no me going back to work. My paycheck this week is for just about $500. It should've been 1200 but between taxes and Sveta that's all I get if they put me down in Lewiston, Idaho, and the curfew was not lifted, it's gonna take every bit of that just driving to work so I really don't know what is gonna happen at this point I'll file on Sunday for unemployment and if it doesn't come through then I have no back up plan I got through to the public defender to ask the judge to remove the curfew so I can stay out of town for work. That's the only option I have.

What the f* am I supposed to do if I can't pay anything Dad. I make a good wage, but I don't get any of it. Power hasn't been paid in two months coming up on three the Dodge is expensive to drive since I haven't got 40 hours in my paycheck have been about $500 which only pays for fuel and food. The cell phone bill is due on Thursday. Internet is overdue. I've got no other way to make money. I sold my rock collection and all my gold and silver.

>>>see what you can get from your boss in writing, and tell her working times are dependent on travel times to job sites... like if you need to drive 3 hours before work and 3 hours after work.

I will get a hold of my company tomorrow and see if our office lady can put something in writing.

>>>explain it ... I need to work hours that do not work with this gps/curfew ... from xhour to xhour... if I can't work = no money ... no phone, no electricity, no food, no child support paid.

One of the most ludicrous things implemented by the court and state was the requirement and expense of a gps ankle monitor, about $400 a month. The defendant could literally stand on his porch and shoot the "victim" off his porch, had to drive within (50) ft of the "victim" every time he went in and out of his driveway to work. Other than the self-defense weapon discharge, defendant has never been anywhere near the "victim" with a weapon. Defendant could not pay his bills due to lost work from the gps curfew, had to borrow $5,000 for bond, and his family covered approx. $10,000 in debts for overdue bills, truck repairs, etc.

(defendant's proposed opening statement)

Lightweight - 135 pounds (Ferren)

Vs

Heavyweight - 200+ pounds (Cline)

Sounds like a "mismatch" doesn't it.

Do you think I should have my teeth knocked out before I can defend myself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for hands around your throat ?

Should I let him "put me in my place" the way he "put her in her place" as he said about his girlfriend ? What should I allow an ex-convict to do to me that allows me to react to the threat he is expressing to me.

Do you think that is what the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself. Would you wait until your teeth were on the ground ?

Do you think Montana's right to use force law means bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill.

(I) have the right to defend myself when a person approaches me aggressively, mad and yelling, I have the right to say, with a warning shot, hold on buddy, I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I have the right to stop you.

"I feared for my life and fired my weapon in deterrence/self-defense of what I believed to be pending physical harm to myself by Warren A Cline who was approaching me in a threatening manner." "Warren is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

(MC Sheriffs Office incidents/times at 320 cabin city loop road – Ests/ Cline residence) I was just thinking that if I can't get the 911 call log from the police, I'll get ahold of Blackfoot and see if I can get my records from my landline. Every time I've called it's been from the house phone. <**data that should have been collected by PD during discovery process**>

On Feb 15, 2025, at 9:22 AM, Josh Ferren <joshferren@icloud.com> wrote:

That was when Sveta and the girls lived here, William said on his porch to those sitting there with him he would kill us "Dexter style " after I had called the sheriffs to cut the music. Probably 11pm or later and after the sheriff had left I waited at the end of the driveway just to see what they were gonna say because they love to talk shit. They didn't know I was listening

On Feb 15, 2025, at 8:46 AM, Glenn Ferren <gferren@yahoo.com> wrote:

I wonder if that had him shooting across the road ?

(when did they threaten to kill ya'll ?)

On Saturday, February 15, 2025 at 06:39:48 AM MST, Josh Ferren <joshferren@icloud.com> wrote:

an example of 911 calls from Defendant to MCSO

Yes he did shoot across the road

>I wonder if that had him shooting across the road ?

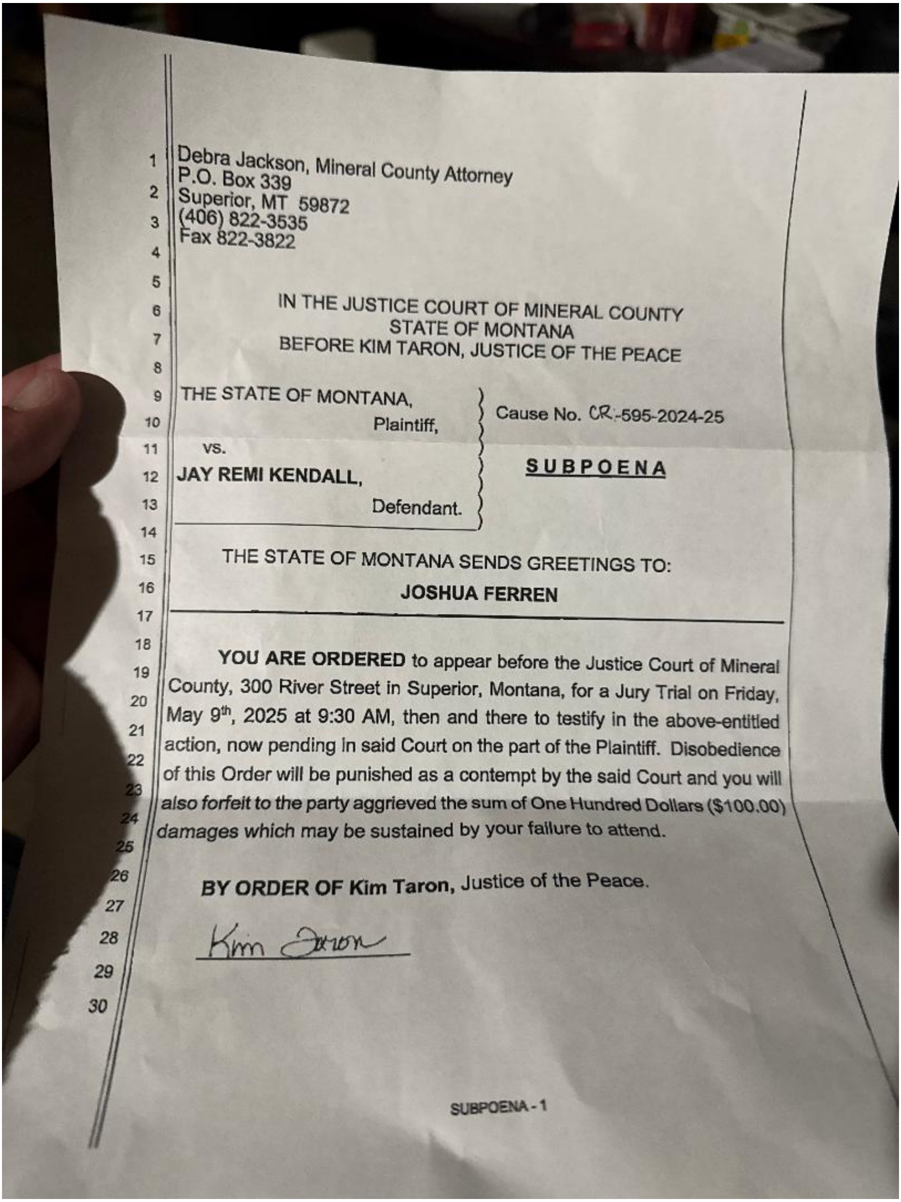
It was early summer, I was outside doing something and I heard him shoot 2 or 3 times and I called the sheriff to check it out. I thought they were offing each other and when the sheriff showed up chuck admitted to shooting “ at at the property line between our house and the property to the north” they told him he can’t shoot anywhere on his property. No tickets issued.

>when did chuck shoot at the property, how do you know he admitted to shooting the property line ?

I don’t know if I ever told you but chuck shot several times at the property with his shotgun. I called the sheriff and they slapped his wrist and told him he can’t shoot anywhere from his property. He admitted to “shooting the property line” to the sheriff and they did not one fucking thing. Didn’t get a ticket and didn’t take his gun.

<email to public defender> - > an fyi, since it involves deputy atkin

Interesting that there is now a court date almost a year later... (this is the guy in cabin city that josh wanted atkin to arrest for assault) (the incident was over jay's dog leo spending all his time with josh's dogs, josh said jay was waiting for him at the mailboxes on cabin city loop road, there is a video of jay slapping josh) > > > Leo still shows up almost everyday. And no I don't forget and I'll not going to. This fuck tried attacking the neighbors that own the first lot as you drive up the road from the freeway, I pulled in between them and stopped him from assaulting them. They will tell you if you'd like to inquire. when it happened ... > > > May 14 2024 at 705 pm.. about a month after the incident, I was driving by Jay's house and I noticed that he was home so I pulled out the card Atkin have gave me and told him that Jay is home. You can come get him. He said that he could not, and he was waiting on a warrant. I asked him why is it taking so long to procure a warrant? After a few words, I told him if he is too afraid to get him to deputize me and I will go get him. he then informed me that he is not the sheriff and he does not have that power to deputize me. I said OK well he's home. Please come get him. A few weeks later I saw him still at home and I called him up again, asking why he had not been arrested. He said that he was waiting on a warrant.. that was the last I've heard of it until now.



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IN THE JUSTICE COURT OF MINERAL COUNTY
STATE OF MONTANA
BEFORE KIM TARON, JUSTICE OF THE PEACE

THE STATE OF MONTANA,
Plaintiff,
vs.
JAY REMI KENDALL,
Defendant.

Cause No. CR-595-2024-25

SUBPOENA

THE STATE OF MONTANA SENDS GREETINGS TO:

JOSHUA FERREN

YOU ARE ORDERED to appear before the Justice Court of Mineral County, 300 River Street in Superior, Montana, for a Jury Trial on Friday, May 9th, 2025 at 9:30 AM, then and there to testify in the above-entitled action, now pending in said Court on the part of the Plaintiff. Disobedience of this Order will be punished as a contempt by the said Court and you will also forfeit to the party aggrieved the sum of One Hundred Dollars ($100.00) damages which may be sustained by your failure to attend.

BY ORDER OF Kim Taron, Justice of the Peace.

Kim Taron

SUBPOENA - 1

april 5, 2025 (jay_kendall image) subpoena

(prepared opening statement/PD nixed this) -> My name is Joshua Ferren. I have a son, 18, and two daughters, 7 and 8. I am a roofer by trade. I have a GED education and I don't use big words. I do understand right from wrong and I did not break the law. Like you, I want to live in peace.

If you knew what the State and the court will not allow you to know, this trial would be over in 5 minutes and you would call for the resignation of Debra Jackson and Ethan Atkin. That information will be available to you after this trial. I hope you believe in and uphold the Constitution and the Second Amendment. Regardless of what you have been told, you the jury are the authority here. You have the power to make a legal system a justice system.

You heard the argument... he came to a "fist-fight" with a gun, he should have stayed home ... (this incident occurred in a public roadway, and I was waiting for the MCSO to arrive and both of the alleged "victims" approached me in the roadway)

The court says I can't tell you about the "victim"s extensive criminal history or the multitude of calls answered by the MCSO at that residence, some of which were violent incidents.

But I can tell you that I personally knew of the "victim"s violent nature; I saw him fight with his brother-in-law, and as you heard on the bodycam video, I knew he had put his girlfriend "in her place" just a couple of weeks prior to this event. I knew he had an altercation with his nephew that involved a machette. I knew of violent incidents at the "victim's" residence. I helped a victim of crime at that residence.

And to reinforce my belief that the states "victim" did actually steal my ingot of silver, which I had made for my daughters, he had related to me an event where after a disagreement with someone that owed him money, he said that he stole their tool set.

Lightweight - 135 pounds (me/Defendant) Vs Heavyweight - 200+ pounds (warren cline/"Victim")

If you understand boxing, this sounds like a "mismatch" doesn't it.

So a warning shot was fired in self-defense

Do you think the I should have my teeth knocked out before I can defend himself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should I have let the "victim" "put me in my place" the way he "put her in her place" as the "victim" said about his girlfriend, victim2 ? What should I allow an ex-convict to do to me that allows me to react with justifiable force in self-defense to the threat the "victim" expressed to me in the form of physical violence ?

Do you think that is what self-defense and the 2nd amendment means

? That I have to suffer severe injury before I have the right to defend myself? Would you wait until your teeth were on the ground ?

Do you think Montana's self-defense right to use force laws mean bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense, your most important civil right. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill. In Ohio recently a court ruled on a self-defense case ...that the self-defense law in that state does not require an intent to harm or kill another, just the “intent to repel or escape force.” A headline in the Missoulian in 2012 reads... "officer fires warning shot ..." My intent was to repel or escape force.

As I said on the bodycam video, I stopped a bear in his tracks.

I have the right , with a warning shot or a lethal shot, to respond to a threat of serious injury - I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I do have the right to use justifiable lethal force to stop you.

"I feared serious bodily injury and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by (victim) who was approaching me in a threatening manner, fists clenched, face contorted in rage." The "victim is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth."

The states "victim" did not even flinch when I fired the warning shot, but he stopped in his tracks.

And think about this... the "victim" never cried out in fear, did not say "don't shoot me", did not call out for help, did not run back to his yard, and did not call the MCSO. He stopped in his tracks, stood and yelled angrily at me. I am the one that called the MCSO, (20) minutes before this happened. the 911 call 18:46 (6:46pm) deputy arrived at 19:04 (7:04)

And then we waited for the MCSO deputy that I had called for to arrive.

The State who was not present when the incident occurred, through its agent county attorney Debra Jackson, says I have no right to self-defense. The County who did not investigate a theft and who was not present when the incident occurred, through its agent deputy Ethan Atkin, says I have no right to self-defense. The State by its actions prosecuting the false allegations of the County has cost me at least $10,000 in bail money and lost wages due to the conditions of that release. Therefore, I ask the jury to find me not guilty on all charges and to award compensatory damages in the amount it sees fit, for associated costs incurred, and for the mental anguish and stress associated with being the victim of this egregious prosecution and the false arrest based on a false depiction of the event that transpired.

Between criminals and mentally disturbed individuals in my neighborhood and a sheriff's department that may or may not answer a call or even just drive by and not stop, I am glad that I have the Second Amendment right to self-defense and that I can defend myself.

46-16-401. Order of trial.

(2) The prosecutor may make an opening statement and shall offer evidence in support of the prosecution. The defendant may make an opening statement prior to the prosecutor's offer of evidence or at the close of the prosecution's case but prior to the defendant's offer of evidence.

[The Case: [DC-31-2025-0000007-IN State of Montana vs. William Est]

Interesting connection here... the defendant in the 2A case (Joshua Ferren) is technically a witness in the Est case. (excerpts of conversation follow regarding one of the victims in the Est case)

>do you remember something about the Est boy being stabbed by his girlfriend ? probably in the last year, ... said she was in the mineral county jail and I don't see any news reports about the incident

Yes, the girl was getting beat by the Est boy and she had enough and stabbed him. Tried to kill him from what I gather. That must’ve been somewhere around June or just before. After spring, this year (2024)

I did not see her when I was in jail, the female cell was right across from mine, and I never saw her.

>didn't see anything on the sheriffs office FB page about the stabbing

It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it.

Apparently she stayed at the shelter and someone from the Est family picked her back up and brought her back to his house where the boy beat her again.

I saw her sitting in the road in between Est/Clines place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the Ests. I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.

I imagine she didn't. Helped her drag her suitcase into the shelter and told her good luck and left.

No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know, I just felt bad seeing her crying in the damn road.

Body Cam Ferren Axon Body 3 Video 2024-08-11 1904 X60AB068V

Transcribed by TurboScribe.ai.

This is considered a "voluntary statement" and was used against the defendant at trial.

<deputy hughes , joshua ferren> Hello, sir. I'm just going to take this off. Okay, I'm going to take this off you. <**hughes takes defendants sidearm without any complaint or resistance from defendant**>
He stole my goddamn silver. I understand. Hang tight.
It was the only one that's been in my fucking house. Okay. What's this here?
These are cigarettes.
Come back here to my car and we'll talk. I was about to fucking load a bowl of weed. My weed's gone.
So I'm like, what the fuck? Searched my entire house. It's gone.
Gotcha.
I'm just going to put this in my car, that's all. See if anything else was missing. My fucking silver is gone.

He is the only one that has been over to my fucking house. Today? Today, yesterday, fucking...

Okay, so give me an example of the day. So today you're out in your garage.

Start over again. Most of the day I've been out in the woods cutting firewood. Gotcha.

Okay. I come home, you know, dicking around with the chainsaw. Because, anyways.

Long story short, fucking trying to end the day, do some laundry, go to load a bowl, there's no fucking weed. It's not here, it's not there, it's not anywhere. It's not outside, dogs didn't drag it off.

Okay, what the fuck? It's always fucking right there. And then I start thinking, you know, this guy's been over to the property lately. What the fuck? Started looking through my rock cabinet, and I haven't noticed anything missing out of there, but I went out to the shop, and I got a silver fucking ingot. It's about this big. 600 fucking grams. It's gone.

He is the only one that has fucking been there. I showed it to him, dude. And he fucking, it's gone.

So were you guys used to be friends? No, I've never really been friends. You keep your enemies closer than friends. Yeah, I understand.

Well, you said he's been over, so that's why I was asking. Yeah, it's because he's been buying parts off my truck. Oh, okay.

I understand. Gotcha. And then, um, do you keep the house locked up? I'm just asking in general.

I got guard dogs, but these guys feed them, so they're fucking friendly to them, because they fucking feed them, which I've always had a fucking problem with, and that's why my guard dogs don't work. Gotcha. Nope.

Okay. Alright, so I've never met you. So I'm Deputy Hughes.

What's your name? Josh. Josh. Last name? Ferren.

Ferren. Okay. Nice to meet you.

Sorry about these circumstances and everything. Yeah, no, I'm sorry, but the shit's gonna end tonight, because I'm not gonna fucking live next to a thief. Just stop. Just stop real quick. Let me deal with that. This has been an ongoing issue between me and the fucking Mineral County Sheriff for the last

two, three fucking years.
These guys are trouble. They are fucking worthless, and they need to go. They fucking stole
from me.
Right, and you know I can't do anything about that. No, but I fucking certainly can. You're a
sheriff. You can deputize me, because I can fucking deal with this shit when y'all ain't here. Yeah, I can't do that. So only the sheriff can do that.
You're a sheriff. It says right there. I'm a deputy sheriff.
Josh, how do you spell your last name? F like Frank. E-R-R-E-N. Date of birth, Josh? 11-28-82.
And your address is 297? 331 Cabin City Loop. And a phone number for you? House phone is
Area Code 406. Cell phone don't work out here.
I understand. 649-2145. So this has been an ongoing thing, is what you're saying.
Well, I've been trying to keep peace with the fucking thieves. Like you say, your friend is close, but your enemy is closer. So I've been trying to keep the fucking peace.
Every time I drive by, they're fucking out, dude. What are you doing? Blah, blah, blah, blah.
Motherfucker just walks up on the property, Hey, you know I got this Dodge.
Sure, I'll make some money. But it's been just showing up a lot unannounced. Have you ever
told them not to show up unannounced? **There's no fucking trespassing signs.**
That should be fucking enough. Right, but if you were selling parts and stuff like that. The
parts weren't on the market.
I understand that, yeah, and then it was okay. But I guess, so after that, though, like after he
bought the parts and stuff like that, did he just continue to... Is that thing on? Yep. Did he just
continue to come over and like want to buy more parts? He just comes over whenever he
fucking wants.
Like unannounced. Hey, I got this. Blah, blah, blah.
Just fucking unannounced. Gotcha. Have you ever told them at any point in time, like dude, like that kind of guy that you don't really fucking tell to like not show up? Because this is why.
I got fucking robbed. Right. I understand.
But it's still friendly. Right. Until it gets to that point.

Gotcha. So at this point, for sure, we can make sure that happens for sure. This shit, I want my fucking silver back tonight.
Tonight. We have to prove that, right? The proof is in the pudding. He is the only motherfucker that knows about it.
And it's the only thing out of my shop that's fucking missing. I don't give a fuck about the weed. I don't really give a shit.
I want my fucking silver back because I made that for my kids. I understand your frustration on that one. Absolutely.
No, I don't think you do. We'll do everything we can in order to help you. I'm gonna burn this
fucking place to the ground if I don't fucking get it back tonight.
They're gone. He's gone. Chuck don't fucking want him here.
He's been fighting this shit so that these guys are gone. Right. Like I said, we can't kick people
out of the county.
Only the judge can do those things. Or civil litigations or something like that. You understand?
Or a fucking vigilante.
No. Cheers. I'm the fucking guy.
Well, I don't want you to be that guy. That's why you got that number. No, that's not it.
You're not highway patrol. Nope. I'm already here.
So, but anyway. I don't want you to have to go that route because then it just gets you in
trouble. I don't want to fucking go that route either because it's gonna cause me to go to court.
And you know what? I'll fucking walk out on the fucking flying end of this shit because Montana should be a fucking place where you feel safe and you don't have to lock your fucking doors and you can trust your fucking neighbors to do the right thing, but it's just nothing but a fucking meth head. Just talk to me, bud. I got you.
I get your frustration. I get it, but just here, talk to me. You don't need to worry about anything but me.
No, I gotta worry about my fucking house and my safety and all that shit. But right now, let me help you and let me deal with this for you, okay? Let me, let me, just talk to me. Take your
frustration out on me.
Go get my silver! Stop, stop. I got you, okay? Right there. I might have been hurt.
Just quit. Right there, hurt. I understand.
Just quit. Just talk to me. You got me, okay? I got you, but I don't have my fucking... But I can't
do my job with you flipping out.
I got a 600 gram fucking silver ingot that I want. < **deputy atkin,**

joshua ferren> Can I get you to put that down real quick for me? No, sir. Just first set it down. Josh?
I don't have a weapon on me. I'm having a refreshment. Josh, I'm telling you, put it down.
I'm gonna put you in handcuffs for my safety. Why are you putting me in handcuffs? Put it
down, bro. Here, here. <**140lb unarmed joshua made atkin fear for his safety, rotflmao**>
There is no... You're alright, bro. You're alright. **Why are you putting me in fucking handcuffs? I got robbed and you're fucking putting me in handcuffs?** Okay.
So, I know he's already talked to you a little bit, but... I got robbed and you put me in fucking
handcuffs? I'm gonna fix this real quick. Hold on. Let me... No, no, no. Hand that to me because this shit's gonna be recorded. It is recorded. I have it.
You're putting me in handcuffs because I got... Josh, can you listen to me for a second? You just want to yell and scream and accuse me of... I want my fucking silver back. Okay. And he took it.
You have the right to remain silent. Anything you say can and will be used against you in a
court of law. You have the right to talk to a lawyer.
If you cannot afford to hire a lawyer, one will be appointed to represent you. Do you have a body cam? I do. Is it on? It is.
<**defendant was officially under arrest when handcuffed and should never have talked to deputy atkin, atkin was looking for anything he could use to justify the arrest**>
I don't... I don't see no light on that thing. It doesn't have to have a light on. So, do you want to
talk to me right now? Yeah, I want to talk to you.
Okay. Tell me about the gunshot in the ground over here. Scare tactic. He was fucking walking up to me aggressively, so I pulled my gun out and I fucking shot in the ground. And I said, I want my shit back. Okay.
So, I'm gonna tell you right now. We don't have any evidence that he had your ingot. Do you
have any evidence? Yes. <**circumstantial evidence – which I learned during this process is just as valid as hard evidence -**
>**circumstantial evidence is admissible in court and is as legally significant as direct evidence. While direct evidence directly proves a fact, circumstantial evidence is**

indirect proof that can lead to an inference of guilt or innocence when combined with other facts. Courts may convict based solely on circumstantial evidence, and most cases use a combination of both types of evidence to meet the burden of proof. >

He is the only person... Do you have any video evidence? Okay, being a detective... Do you have any video evidence? No, I don't have a fucking camera on my property, which is why he knows he... Okay, look. He is the only one that has been on my property. He is the only one that I have showed that fucking ingot to.

I told him what it is. Okay? Why is it the only thing fucking missing out of my shop, along with the weed that was in my fucking house right in front of my TV? Go look in that fucking shack. I can't just go walk into people's property and look.

Go get a warrant. Get a warrant. I don't have enough to get a warrant, to be honest.

What do you mean? Because he's saying he didn't take it. You're saying that the only person

that knows about it is him. There's a whole lot of wiggle room in there for a whole lot of people to be on your property. <**warren cline has served time for burglary**>

Right now, you're under arrest for assault with a weapon. How did I assault anybody?

You shot a gun right in front of him, as a scare tactic. Just like you told him? Yes.

You can't do that. I didn't assault anybody. He was in fear of his life.

I was in fear of my life! Okay. What the fuck, dude? That motherfucker walked up to me all...

Okay, alright. We're kind of done here, okay? No, we're... Bro, are you fucking kidding me? No, he's got a pack of cigarettes on him.

Are you fucking kidding me? I got this later. You gotta be joking, dude. I'm gonna leave your 50 in your pocket, okay? You can't walk around with guns, threatening people.

I can walk around... You can use it for self-defense? Defending myself? **Yeah, he was walking up to me in a threatening fucking manner.** Do you understand that? Bro, listen to me. Sheriff?

Yeah? Do you understand that? <atkin>That's why we have courts. You can talk to the judge about it, okay? No, I'm talking to you about this, and that's why...

So there's been multiple times that we've been out here with you shooting guns in a way to

intimidate... I've never fucking shot him. And it's just escalated. Bro, he... And we've escalated to the point where you've already... He was walking up to me in a threatening manner.
So I fucking discharged my weapon. To keep him at bay. You just told me it was a scare tactic.
Yeah! To keep the big motherfucker at bay! Are you... Bro, okay. Wait, what's your name? Atkin. Seriously? Dead serious. <**scare tactic = deterrence = stop**>
Wanna have a seat? Let's have a fucking little sit down talk here. Mr. Atkin. Have a seat.
Sir. Have a seat and we'll talk. You sit in there real quick and he'll talk to you.
Alright. I'm gonna put this in front of me because I don't feel... No, we can't put them in front.
They have to stay back.
There's nothing here in front. It doesn't matter. It's policy, it's procedure.
We have to do it that way. Alright. I'll sit down.
Mr. Atkin. Hold on real quick. So, if somebody is walking at me in a threatening manner, I'm not allowed to defend myself.
Okay. You never say anything about that and you only tell us about that after I put you in handcuffs. <**joshua said it several times**>
Well, it's a fucking scare tactic.
Dude, look at me. Okay. Look at me.
Look at him. Okay. If he was fucking walking at me in a threatening fucking manner, what am I supposed to do? Fucking throw my dukes up? Hope for the best? Don't approach him in the first place. <**140lbs vs 200+lbs ex-convict biker/drug user**>
You didn't have any reason to approach him. Bro, he stole from me. And remember, you had a
dispatcher tell you not to confront him and let us handle it for you.
I didn't confront him. **I stood out here in the fucking road waiting**...
Goddamn. Main way here, waiting for y'all and that woman over there fucking showed up and said, what's the problem? I said, hey, go get my fucking silver.
You fucking stole from my kids. Alright. That's what I'm fucking pissed off about.
Okay. I understand. However, we're here to handle that.
Not for you to come out on the road and shoot guns at people.
<**atkin found the actual bullet impact location, he knew no one was shooting at Cline**> I wouldn't have shot it if he wouldn't have fucking walked up on me like goddamn Godzilla. If you would have been sitting at your house waiting for us to show up, that wouldn't have happened.

People in Montana have a right to fucking defend themselves. Right? Within reason.
Within reason. Within reason. If I feel... I guarantee... If I feel that my life is threatened, I have the right to fucking defend myself. Listen to me, Josh.
That is the statute. Stand your fucking ground. Your ground is not on his property. <**incident was in the county road**>
My ground is fucking wherever I stand. No, bro. No, no, no.
We're not going to fucking end this way because I'm going to go back home. I have work tomorrow.
I have fucking animals over there that need fed.
Okay. Do you have anybody that can take care of them? No. I don't.
You're going to jail, Josh. I'm sorry. That's how it has to happen.
Dude, that motherfucker stole from me and you're taking me to jail.
This ain't going to happen. This ain't going to fucking happen.
Are you resisting arrest? I'm not resisting arrest. This is a fucking unlawful arrest.
That body cam will prove it.
Josh, swing your legs in. **I was defending myself against great bodily harm.** We understand
what you're telling us.
Swing your legs in, Josh. Then this is a fucking lawsuit against fucking Mineral County Sheriff. Swing your legs in.
You're not getting out of this. Why? Because there's no way to get out of this. Right now you're
resisting arrest.
I'm not resisting arrest. **I'm resisting unlawful arrest.** Josh, swing your legs in.
Dude, you're fucking kidnapping me again. This is the second time. Hop in, please.
Swing your legs in, Josh. We'll talk more down at the jail, potentially. But you've got to get in
right now.
This does not mean that our investigation is over. Give me my fucking phone. I need to make a call.
You will, down at the jail. Negative. Give it to me, Josh.
That's not how this works. Hop in, Josh. You're okay.
Mr. Fucking Atkins. Alright, that's how this shit's going to go. Just quit.
I'm not fucking doing nothing, dude. You guys are just being fucking... You guys are fucking
committing a goddamn felony. It's called kidnapping.
You know what that shit is? You're right, Josh. I promise. I'll get this through.

Mr. Atkins. I'll be seeing you in court. 689545, can you copy? Okay. You guys better fucking bring me back home when this shit's done. Copy you. Your status? We
have one 10-15.
Mr. Ferren. Anything else to add? Anything else to add? Well, you know quite a bit. Is this like
you guys fucking a poor man or some shit? Why is this not... Um... Discharging a firearm? Assault with a weapon.
Discharging a firearm. Discharging a firearm. It's going to be a Smith & Wesson.
Serial number Henry X-ray Union 2720. Henry X-ray Union 2720. And if that Smith & Wesson
doesn't come up, And if that Smith & Wesson doesn't come up, comes up M&P.
Guns claim is registered today. All right. Thank you, sir. <fyi joshua had completed the concealed carry permit requirement in Washington State previous to this incident but did not purchase the certificate/ form>
What are you guys going to do about my fucking silver that's gone? All right. Thank you, sir. Let us... What are you guys going to do about my missing silver? Let us complete the investigation, okay? Let us help you.
Go fucking get it. Okay, just think they're gonna fucking go somewhere and hock it. I
understand.
No, you don't do 600 grams of fucking silver This shit needs to be fucking redone y'all need to
fucking hire me on the force and I'll fucking take your shit jobs. That's why we can't hire you because you aren't going to go it about the legal way dude Live in the fucking war that doesn't mean this shit the vigilante anyway. No, that's not how America was built back in the day. That's not how it is now.
Yeah, and that's why these motherfuckers are rampant fucking steal whatever they want fuck
Told you guys so many times fucking deal with them. <MCSO had responded to multiple incidents circa 2020 – 2024 at the Cline/Est residence> All right Okay Who He's up there with the deputy Yep No, I have I have Josh, Warren's up there with another deputy Got nope, we're taking care of that. Thank you He's coming back over there I Can't say I understand what you're saying, but listen that was attempt to escape now, dude.

I'm not I Right to do what you just did and you're gonna put me put your handcuffs right back

behind you again Well, that's exactly what's gonna happen. I'm telling you right now, dude. I
cannot say everything. <**watch the bodycam video and see the defendant with hands cuffed behind his back, move his hands still cuffed to the front of his body, it pretty much blows away the "he's intoxicated" statement hughes makes on the radio**>
I don't care What is what you're saying? This is nothing to do with that. I'm telling exactly what's gonna happen. You're gonna get another charge Really? Yes, sir.
I'm sorry I'll put it fucking back. This is Yep, yep, just give me a few minutes. Let me wait for him and we'll put them back behind you again Thank you, we all send you a CR number for this for gonna be primary Oh No, I made sure that Now this handcuffs aren't made for comfort as well.
I'm robbed and I'm sitting in the back of a cop car Well, if you would have just waited for us If you would have fucking done your job the fucking first time I called y'all to deal with these fucking pieces of shit We wouldn't be in this situation, but there's nothing I can do.
I don't know anything about any of your past Yes, you're fucking right, but **Mineral County**
Sheriff, mr Atkins has been here on fucking like ten different occasions with these
motherfuckers on their ticket and they have done absolutely nothing nor Have they done
anything about Jay? Who fucking lives down at the end of the block who fucking physically
assaulted me and I got video of it Fuck man, why am I in cuffs right on that this part is
something's completely different today compared It may be all Fucking system that you're
working for bro I'm listening, but you're but you got it, but you got to listen to my reason to go.
I understand you're doing your job Yes, I understand However, I'm not the problem. They are. I understand I understand your frustration, but we also have to Wait for y'all and she fucking confronting me and then he fucking confronted me And he come up to me a fucking threatening matter. So I popped my gun off
Right. Why am I sitting in the back of this car because of that I was defending myself And that's why we have to go in the court for things.
No, you guys Dude you don't guys are the fucking judge and jury.
No on this. No, we're not. Absolutely not **Okay, he fucking came at me a threatening manner fucking arrest him Attempted assault**
That's how that shit works, right Not always.
No Why not? Why not? Why not tonight? We weren't up here. Why

not tonight? We weren't up here But the thing is is where you shot a round off that that part there, that's for sure. The
thing is you should have done if you would have just stayed home Bro, and what was out
fucking y'all are right Well, you should have just waited in general at how at the home at home on your property No fucking silvers on the line that I made for my kids. I'm not gonna fucking pussyfoot around the house Oh twiddle my fucking thumbs waiting until something's gonna happen.
Well, there's a reason I called y'all right and that's why we have to be here But
then when he came at me in a threatening fucking manner, so I popped a goddamn round off
Josh You're not listening bud.
You know, you're not listening to me at all. **You're not listening. I'm a hundred and thirty**
fucking pounds that motherfuckers to 238 easy I Was defending myself and it stopped a
fucking bear in its tracks Okay Okay, that's where we're at All right, it'll all be it's all recorded.
We understand No, you don't because I'm still sitting in the back of this goddamn car and he is sitting over there in his fucking house Now deputy Atkins is still trying to help you out by trying to find your silver Dude they had plenty of time to fucking hide it You need a search warrant fucking gut that house along with everything else that's fucking stolen in there But the thing is we have no proof that he took it other than your word, right? Okay you know hard that is to prove in court? Yes. I do know how hard that is.
Here's the thing He has been the only person to be on my land in the last fucking year I
understand that no, no, but the thing is just listen. Just listen, okay In the last year, he's the only one that's been on the property. I have been out there fucking melting down silver He shows up.
Just fucking shows up. Hey, what are you doing? Well, I'm fucking making some silver and **he fucking watched me pour the goddamn thing And I set it on my fucking shelf in my goddamn workshop <at this time Cline is telling deputy Atkin he doesn't know anything about Josh's silver ingot>** He is the only one that has fucking seen it. It's gone Okay, you know nothing else is fucking missing besides my weed which he fucking smoked Okay, I We miss in person I started looking around for what the fuck else is missing right and my silver fucking ingot is gone When it was the last time you saw your ingot ? Fucking yesterday, okay No, I just wanted to ask I didn't I didn't ask you that before that's why I'm asking now I know it's

fucking him because he's the only one that knows about it But the thing is so we have to prove without a reasonable doubt, right? I've been proving it without a reasonable doubt Nobody else if fucking knows it's there besides him.
Okay, but the thing is in order to get a warrant, right? We have to have We have to ask for these things correct or you guys can go home and let me fucking deal with this myself No, and neither the taxpayers nor yourself will have to do any fucking paperwork over this No, and I see that I'm not gonna know don't stop threatening people bud. I'm not threatening. you are though. Defending my fucking self. now are you saying that you're gonna take care of me You know everyone's entitled life liberty and pursuit of happiness, right? Yes, all within reason.
<end of transcribed portion of video>

Watch and listen to these clips from the deputy Atkin bodycam video. Warren Adrian Cline is all over the place with his answers to Atkin's questions. (He's lying). This Atkin/Cline interaction is occurring while deputy Hughes elicits the voluntary statement from the defendant.

video trim cline stmts 2

video trim cline stmts 3

<excerpt from minute document - jury trial May 19, 20th 2025>
The State moves to admit Exhibit 6 (photos marked as 6.1, 6.2,, 6.3, 6.4, 6.5, and 6.6), which are
admitted without objection. Ms. Davis cross examines the witness. (atkin) <**false evidence is included in these photos and presented to the jury ...and we file a motion for new trial or vacate**>

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL

STATE OF MONTANA,Plaintiff,vs.Joshua David Ferren,Defendant.

Cause No. DC-31-2024-0000032-IN Judge Shane Vannatta

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702,

MCA (False Photographic Evidence)

The State calls Deputy Jack Hughes as witness, who is sworn and testifies. Ms. Marshall cross examines the witness. (hughes) -->Out of the presence of the jury, the Court advises of the sidebar issue discussed. The Court advises of a **404b issue**, and advises the Parties believe the witness mumbled. The Court advises they didn't hear what was mumbled, and further advises that Defense is entitled to a 404b final instruction, however, Defense Counsel denied a 404b cautionary instruction. The Parties advise they do not have any further issues to discuss, and that they believe the jury did not hear what was mumbled. **("history of aggression" stmt by hughes, false statement, defendant had/has no history of aggression, hughes was heard by the jury)**

Ms. Marshall begins their closing statement.

At trial the public defenders convinced Joshua that he did not need to testify. No need, they
had won the case because they felt that jackson had not met her burden of proof. So defendant
did not testify to counter complaining witness's statements. **(defendant would have stated that**
he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his
left hand on warren cline's chest to hold him back, as cline did stop but not retreat after the
discharge.)

trial jury_members

Jeffrey Parsons
Tracy Wicklund
Misty Dawn Sherwood
Joshua M. Rahmer
Tnoy K. Borwn
Jordan LaPierre
Steven Wayne Prater
Antoinette M. Labbe
Anita M. Heimbigner
Michael Dowling McGuirk
Donna Simons
Vickie Caswell
Don K. Cooper

Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force.

Part 1. When Force Justified - Use Of Force By Aggressor

45-3-105. Use of force by aggressor. The justification described in 45-3-102 through 45-3-104 is not available to a person who:

(1) is attempting to commit, committing, or escaping after the commission of a forcible felony; or

(2) purposely or knowingly provokes the use of force against the person, unless:

(a) the force is so great that the person reasonably believes that the person is in imminent danger of death or serious bodily harm and that the person has exhausted every reasonable means to escape the danger other than the use of force that is likely to cause death or serious bodily harm to the assailant; or

(b) in good faith, the person withdraws from physical contact with the assailant and indicates clearly to the assailant that the person desires to withdraw and terminate the use of force, but the assailant continues or resumes the use of force.

Part 1. When Force Justified

No Duty To Summon Help Or Flee

45-3-110. No duty to summon help or flee. Except as provided in 45-3-105, a person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat or summon law enforcement assistance prior to using force. The provisions of this section apply to a person offering evidence of justifiable use of force under 45-3-102, 45-3-103, or 45-3-104.

Part 1. When Force Justified

Use Of Force In Defense Of Person

45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.**("victim" - is a known drug user, domestic disputes/violence w/girlfriend, fight w/brother-in-law, size difference between plantiff and "victim" - 130lbs V 200+lbs, the extensive Oregon criminal history of the "victim/complaining witness" including assault charges, the threat is a serious beat-down or worse from the "victim" depending on the "victims" mental state and what he might be high on - * what did "victim"/Warren Cline do after warning shot fired ? run ? cry ? call sheriff's office ?? he stood less than 3ft away and yelled at the defendant)**

Part 1. When Force Justified

Use Of Force In Defense Of Occupied Structure

45-3-103. Use of force in defense of occupied structure.

Part 1. When Force Justified

Use Of Force In Defense Of Other Property

45-3-104. Use of force in defense of other property

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Compensation benefits for victims of injurious criminal procedure.

(1) Compensation must be given to any victim of injurious criminal procedure who is falsely arrested or falsely imprisoned.

(2) (a) For a victim of a false arrest lasting 2 days or less, the compensation must be four times the price of bail that was demanded of the victim.

(b) For a victim of false arrest lasting longer than 2 days, the compensation must be 400% of the person's daily wage for every day of false arrest. A victim of false arrest lasting longer than 2 days may not be paid less than the state average wage.

(3) (a) For a victim of false imprisonment lasting 1 month or more, the compensation must be a lump sum payment of $4,000 for each month of false imprisonment, adjusted for inflation from [the effective date of this act].

(b) For a victim of false imprisonment who is terminated from employment as a result of the

imprisonment, the compensation must be a lump sum payment equal to the person's annual income prior to the termination.

(regarding warren cline’s false statement of the incident to deputy atkin)

CHAPTER 7. OFFENSES AGAINST PUBLIC ADMINISTRATION

Part 2. Perjury and Other Falsification in Official Matters

False Reports To Peace Officers

45-7-205. False reports to peace officers. (1) A person commits an offense under this section if the person knowingly: (a) gives false information to any peace officer with the purpose to implicate another;

How to prove a false arrest?

Typically, plaintiffs bringing allegations of false arrest against state authorities need to prove all three of the elements outlined below.

The arrest was inappropriate. ...

The person detained suffered harm. ...

An officer was the cause of the injury.

In Devenpeck v. Alford, the Supreme Court reiterated the Fourth Amendment standards applicable in a § 1983 claim for false arrest:

The Fourth Amendment protects “[t]he right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.”

In conformity with the rule at common law, a warrant less arrest by a law officer is reasonable under the Fourth Amendment where there is probable cause to believe that a criminal offense has been or is being committed. Whether probable cause exists depends upon the reasonable conclusion to be drawn from **the facts known to the arresting officer at the time of the arrest.**

(what should have been a known fact to deputy atkin was that the victim(1)/Warren Cline was lying regarding the weapon discharge and bullet impact "at his feet", which should have made the rest of the victim(1) statements suspect as to truthfulness… like “bubba” the guy that “sells me wood”.)

An officer may arrest an individual without a warrant, for example, if there is probable cause to believe that the person is committing or has committed an offense. State v. Williamson, 1998 MT 199,¶ 12, 290 Mont. 321, 965 P.2d 231 (citing § 46-6-311, MCA). “Probable cause to arrest is established if the facts and circumstances within an officer’s personal knowledge, or related to the officer by a reliable source, are sufficient to warrant a reasonable person to believe that someone is committing or has committed an offense.” Williamson, ¶ 12 (citations omitted).¶18

Chapter 8 – Print Media/Social Media

Since this case began in August 2024, there has been an effort to put the case information in the hands of many information dissemination entities. Contained here are the facebook postings, email messages to various newspaper publishers, and messages to authorities that should be interested in second amendment cases. We put this case information in front of the Montana Governor Greg Gianforte, the US Senators and Representatives of Montana, Ryan Zinke and Tim Sheehy, the Attorney General of Montana Austin Knudsen. I put this case information out on the NRA social media page and contacted the **Second Amendment Foundation** legal intake. None of these people or entities could or would get involved with this Second Amendment self-defense justifiable use of force case. It appears they have bigger fish to fry, and are mostly raising money for national level political projects.

<facebook Mineral County Uncensored FB group, several postings>Remember this guy ? the meth head in cabin city, criminals like warren are learning how to game the system -> **8/16/2025 –** Probation and Parole Pre-Sentence Investigation Report

Victim’s Impact

One of the victims in this case declined to make a victim’s impact statement due to fear of reprisal from the Defendant.

The following victim statement is from Warren Cline:

"I'm not sure on the punishment, but I don't think he should be able to live across the street from us, especially with that kind of assault.
It wasn't fair, it wasn't nice, and it was a very scary situation for which he definitely needs to be punished. I'm not sure how much time or whatever. I don't like the fact that he lives right across the street from me and has his gun and his scope. I feel like he's scoping me all the time. I don't feel safe anywhere in my yard. It sucks. I don't think it is fair. I don't think it is right. I had no weapons. I didn't pose any kind of threat. I have been very fair and very neighborly to him and there was no reason for that. I don't feel safe at my home anymore." (Cline moved to cabin city from Oregon in 2020, lives with his brother-in-law and sister at 320 cabin city loop rd... and is definitely not a confidential informant for the 5 valley drug task force or the western montana drug task force ;>)
Warren Adrian Cline Born Aug 1967

violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id --Previous charges:

BURGLARY IN THE FIRST DEGREE

BURGLARY IN THE SECOND DEGREE

ASSAULT IN THE FOURTH DEGREE

CRIMINAL MISCHIEF IN THE SECOND DEGREE

FAILURE TO APPEAR IN THE FIRST DEGREE

DISORDERLY CONDUCT IN THE SECOND DEGREE

POSSESSION OF HEROIN

CONTEMPT OF COURT

DISORDERLY CONDUCT IN THE SECOND DEGREE

< the defendant in this case has no weapons per court order, and as

for warren's fears ; his statement on the bodycam video made to deputy atkin.. atkin - "you told me you were afraid" , cline - "yes I was afraid, I am always afraid"> verbatim from bodycam video - ><**Yeah, I'm scared as shit. I'm always scared.**>

Montana prides itself in the states strong support for the second amendment, stand your ground, and castle doctrine. But a California transplant, the county attorney in Mineral County does not share your belief in those rights.

Mineral County Attorney's Office Debra A. Jackson, County Attorney

300 River Street P.O. Box 339 Superior, MT 59872

(406) 822-3535 -- Attorney for the State of Montana

There is a pending court trial in Mineral County Montana in which the Defendant is a Montanan that exercised his right to self-defense and has been charged with Assault with a Weapon and Intimidation. You can disregard the fact that the incident occurred over an alleged theft by the "victim" who has served time for burglary and an instigating argument by the victim's girlfriend who is a convicted methamphetamine user and that the deputies information report contains false information obtained from the "victim".

More importantly is the rejection by a state employee of your second amendment right to bear arms and defend yourself.

Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both, add another 10 years for the Intimidation charge.

This Mineral County Montana attorney has a "colorful" history; google writ of mandamus, brady deputies. It seems common sense is in short supply in the Mineral County Attorney's office. And maybe its about time that Montanans demand better than "grade-school" performance from its professional employees. If held to professional standards, the Mineral County attorney would be on the docket for waste, fraud, and abuse of the office. If you are concerned about protecting your second amendment rights, you should give her a call or email and let her know. (949) 633-4028 djackson@co.mineral.mt.us djackson@mt.gov

(406) 822-3528

(Sam Wilson - Missoulian) Warren Cline and Paula Deanna Nicol both have extensive criminal records in Oregon.

(things like burglary, assault, possession of heroin, methanphetamine)

Oregon criminal records are online and free to search. (Warren A Cline)

Warren Cline moved to St Regis circa 2020, 320 cabin city loop road, Paula -not sure of the date probably in the last year (2024).

These (2) are the key witnesses in the pending criminal trial.

Deputy Ethan R Atkin is the arresting/investigating officer in the incident.

Atkin came to Mineral County in 2020. I think he worked at the Missoula detention center sometime in the past prior to Mineral County Employment.

Warren was accused of stealing some items from Joshua Ferren, during that incident Warren approached Joshua aggressively and Joshua fired a warning shot, behind himself, away from Warren, and toward our property. (the deputies report tells a different story)

Joshua had called the sheriffs office about the theft, warren/nicol did not call the sheriffs office about the incident, when deputy atkin arrived the shot had already been fired, both warren and joshua were still in the street (cabin city loop road). Joshua asked atkin to get his stuff back and arrest cline, atkin interviewed cline, and arrested Joshua for Assault with a weapon, intimidation, resisting arrest.

What we already knew was that the Mineral County sheriffs office has had numerous incidents at 320 cabin city loop road, where cline lives with his sister and brother-in-law, Heather Est, Charles (chuck) Est. The criminal records of Cline/Nicol were easy to research, except, despite all the Mineral County Sheriff's office interaction, there does not appear to be any Montana arrest records for Cline. (based on the records search using the DOB we have for Cline).

I'll send you the latest review of the case particulars/progress as of last week. I'll review the discovery documents and get you the arrest/ investigation materials submitted by Deputy Atkin. Gossip is that

Cline may be a CI for the drug task force. People in the "west end" of MIneral County notice things like motorcycles and vehicles purchased by someone that does not appear to have a job (cline). I did ask the MC Sheriff at one point if the est/cline were on their radar as drug users or mules, he was quick to assure me they were not "on the radar".

A Second Amendment Case in Montana you should pay attention to.

When the criminal becomes the "victim", when the victim of a crime (theft) becomes the

victim of Law Enforcement. When real life is stranger than fiction...

The players: a california transplant, the County Attorney of Mineral County Montana,

the victims: two transplants from Oregon with long criminal records in that state,

and an ex-military deputy that does not like being called a "coward",

but the real "victim" of this charade... is the defendant whose property was stolen.

The second amendment question in this case, Can you use a firearm in self-defense, and claim self-defense, IF you don't fire a kill shot ? Does the law say you have to kill someone to exercise your self-defense right? Well, the general inclination of the law keepers is that if you are facing a lethal threat to your life, you shoot to kill. But most people are not taught TO kill, in fact they are taught NOT to kill. Law enforcement generally does not fire a warning shot for a couple of reasons; downrange liability, and many are ex-military that have been taught to KILL.

Some will find it interesting that the US Department of Justice in an article in 1998 advocated for "warning shots" and the International Association of Chiefs of Police has a section on policy in 2017 under deadly force restrictions that recommends "warning shots" , when it reduces the possibility that deadly force will have to be used. And in a case in Ohio in 2024, the headline is "Warning Shot Enough for Jury to Consider Self-Defense Claim"...A Clark County man was entitled to argue self-defense when he intentionally shot toward a person, and was not required to show he intended to kill or harm the man who threatened him, the Supreme Court of Ohio ruled today. In the Court’s lead opinion, Justice Melody Stewart stated that the Ohio self-defense law does not require an intent to harm or kill another, just the “intent to repel or escape force.” Shooting toward another with the intent to stop an aggressor is sufficient to justify a self-defense jury instruction, she concluded.

Montana Law: 45-3-102. Use of force in defense of person. A person is justified in the use of force or threat to use force against another when and to the extent that the person reasonably believes that the conduct is necessary for self-defense or the defense of another against the other person's imminent use of unlawful force. However, the person is justified in the use of force likely to cause death or serious bodily harm only if the person reasonably believes that the force is necessary to prevent imminent death or serious bodily harm to the person or another or to prevent the commission of a forcible felony.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000, or both, add another 10 years for the Intimidation charge. Bond $50,000 out of pocket $5000 or you sit in jail for (8) months or more.

NRA (FaceBook post) A Second Amendment Case in Montana you should pay attention to.

The players a california transplant, the County Attorney of Mineral County Montana,

the victims two transplants from Oregon with long criminal records in that state,

the real victim of this charade is the Montana defendant whose property was stolen.

The Case Jury Trial DC-24-32 - Assault with weapon 03 24 2025 900am Fourth Judicial District Court, Mineral County

(zoom blog Missoula)> thanks for the assessment XXX, here's a brief summary of events:

> XXXX called the sheriffs office, requested their presence on the scene

> walked to the street to see if the alleged thief's ()

> vehicle was at home.

> () girlfriend saw josh in the street, approached josh, and

> started a conversation.

> XXXX told her to tell () to give his stuff back.

> () came into the street, angry and aggressive.

> XXXX fired a warning shot. () continued to argue, did not run, did

> not express any fear, did not call 911. (in fact, the () are

> very unhappy that XXXX called the sheriffs office)

> the contention on the warning shot was that () claimed it was

> aimed at his feet, on his side of the road, when in fact that did not

> happen. He directed the deputy to the impact location which was a rock

> someone had kicked out of the road. (he was lying) the deputy located

> the actual impact location exactly where XXXX put the round. what

> () did in effect was actually tell the deputy where he was

> standing at the time of the incident by his indication of where (he)

> said the bullet hit. at the point of the aggressive approach by ()

> XXXX had the right to self-defense, whether warning shot or fatal

> shot, he took the first option. ... I'll explain that next ...

> ....ok, here's the deal, XXXX often wears a handgun, had just returned

> from cutting wood or otherwise occupied in the woods, did not take a

> handgun to an argument per se.

> And XXXX is familiar with () and the () (() relatives, they

> all live at () cabin city loop rd)...having watched () (6'

> 210lbs/XXXX 5'10 130lbs) take down his brother-in-law () (near

> the same weight as ()) in a yard fight, knew the family used

> drugs... from marijuana to meth... knew that () slapped his

> girlfriend around (recent previous incident)... knew that the () boy

> had tried to kill () with a machete, knew that the () boy had

> been stabbed by his girlfriend a couple of months before... basically

> did not know what () might do, depending on how high he might
be.

> (() has served time for burglary, assault, and possession of

> heroin, he relocated from oregon in 2020 to the cabin city
residence)

> So, you have a known known that the () family is unstable and

> erratic and potentially dangerous on any given day. (()

> girlfriend is a convicted meth user, "recovering" alcoholic, and it

> appears had her (3) children removed by Oregon (the youngest of
those

> being () child).

> for the last few years, things seem to have amp'd up at the ()

> location since 2020, XXXX has called the mineral county sheriff
repeatly on

> things like loud music in the middle of the night coming from

> cabin city loop rd, he says they don't respond to his calls. It seems

> the () crew keep late hours in st regis and come home late and turn

> up the tunes. little stuff, big irritation to someone that gets up at

> 5am to work until 8 pm some days. But in regards to the other

> incidents I have mentioned, the Mineral County sheriff's office has

> been at () cabin city loop often enough over the last (4) years that

> they should have their own parking spot.

> In light of the fact that the state/county attorney's star witnesses

> have extensive criminal backgrounds and that there is still missing

> "discovery" items, I had hoped the case would be dismissed. We know

> the Oregon criminal history, and it seems reasonable to believe their

> is Montana criminal history that would be relevant. Jackson claims she

> has supplied "all" the discovery in the case> >

looked at PD files today, do not see missing discovery items:

> > 1)statements (in any format) from witnesses () / ()

> > 2)the body cam video from deputy trespass on XXXX property

> > 3)the criminal history to be supplied by county attorney on their

> witnesses ()

> > 4)the video of arrest and reading of rights before transport to Superior

> > 5)the history of mineral county sheriff's office response(s) to calls

> at () cabin city loop rd (2020 - 2024)

> > 6)the personnel record of deputy () (especially re missoula

> county employment)

> *regarding the above, d. jackson lives about 2 miles from the cabin

> city property, and her hired man for several years now is intimately

> familiar with the (), its unlikely that she does not know the

> reputation of and county sheriff's interaction with the ()

> family.

letter to the editor (multiple) Second Amendment Case Mineral County Montana -- The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

The State will argue that you need to suffer serious bodily injury, before you can defend yourself against the threat of death or serious injury.

*MCA 45-3-111, 45-3-102, 45-3-110, and the Second Amendment do NOT say your right to self-defense depends on suffering a beat-down, spleen rupture, loss of teeth, hands around your throat choking the life from your body, or that any other bodily injury must occur before you have that right to self-defense.

The transplant from California should abandon this prosecution.

(media/facebook) Second Amendment case Mineral County May 2025 -- Sometimes you don't get the real story ... the california transplant that is the county attorney for mineral county doesn't want you to know some facts in a pending case. In a second amendment case where she opposes the right to self-defense, some facts will be suppressed and the jury will not get some much needed background information. The defendant exercised his right to self-defense against an aggressive suspect of a theft ("victim") who spent most of the last (20) years in the Oregon criminal system - burglary, assault, possession of heroin, etc before transplanting to Montana in 2020. The defendant fired a warning shot, behind him into a dirt bank, the "victim" stood and continued yelling - did not run, did not cringe or cry, did not call the county sheriff's office, and was not "assaulted" or "intimidated". When the sheriff's deputies arrived, having been called by the Defendant , the "victim" told the deputies the Defendant had shot "at his feet" and showed the deputy a spot in the roadway where he said he was standing that was NOT the bullet impact location. The deputy found the bullet impact location, on the other side of the road, behind where the Defendant would have been standing, and wrote the report up saying the Defendant fired at the "victims" feet. Said deputy may have remembered a previous encounter with the Defendant who had called him a "coward". Payback ? or just really bad law enforcement. Defendant was then arrested, charged (up to 30 years in prison possible on those charges) and had to put up $5000 or sit in the Mineral County jail for 8 months. The real victim here... seems to be the guy that had his stuff stolen, a victim of the county attorney and the sheriff's deputy.

There are three laws (MCA) in Montana that allow you to exercise your right to self-defense, and then there is also the Second Amendment. None of those laws say you have to wait until you suffer severe bodily injury from an ex-convict BEFORE you can exercise your right to self-defense. Another fact that the county attorney will not want you to know is that the residence of said "victim" frequently has interactions with the Mineral County Sheriff's office. Some examples; the "victim's" nephew trying to kill him with a machete, the domestic disturbance between "victim" and girlfriend where he had to "put her in her place", the stabbing of one of the residence members at the location summer 2024 (that does not seem to have made it into either Mineral County or Missoula news reports), and even the event this past week where MCSO vehicles came in with blue lights flashing which is (suspected) to be an adverse drug reaction event by one of the members of that residence. MCSO has been on this site so often (the 911 call log with a search on the residence address would tell more about that) that they should have their own parking spot. Heck, the arresting deputy even knows the "victim" and his girlfriend (with a meth conviction) on a first name basis.

Consider this an introduction, some background information, there will be more that I will share. And I hope you will share this information with your friends. The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

(facebook) *victim has extensive criminal record - including burglary, assault, possession of heroin, **victim2 - an arrest for possession of methamphetamine.

Review of rim_condensed report - authored by deputy atkin, deputy hughes - approved by micah allard, ryan funke

[by BRUCE MOATS Mineral Independent Court decides Brady dispute November 27, 2024

"Micah Allard’s personnel file will remain expunged of the allegations that led to his firing by the former Mineral County sheriff, according to a court ruling filed last Wednesday at 6:15 p.m. (Judge Shane Vannatta was working late.)

The court ruled that the allegation against Allard was not sufficient to be disclosed under the Brady doctrine. The ruling came in the case filed by Sheriff Ryan Funke against the county commissioners for failing to process his rehiring of deputy Allard. The county has since relented, and the case came down to whether a settlement agreement stood with the county that expunged (eliminated) the allegations from his personnel file.

However, the county attorney's motion also sought to void the nondisclosure provisions of a settlement agreement between Sheriff Funke and his former employer, Lake County. It is unclear if or when the court might rule on Funke.

While Funke's agreement is attached to the county attorney's motion, it is sealed so the public cannot read it. The motion says the agreement contains a provision that its terms would be confidential. The county attorney got the agreement pursuant to a court order, but not for public disclosure. It has also obtained through subpoenas information not in Funke's personnel file, including the Lake County attorney's investigation and apparently a separate investigation by "Investigator Max Muller." "--- *Funke - search "coyote club" lake county]

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

***atkin (54-4) - rim_condensed report - approved by micah allard

victim - 6' 210lbs - age 56

defendant - 5'10" 130lbs - age 42

"Victim said defendant had shot at the ground right next to him."(lie)
atkin identified the bullet impact location, it was not where it was indicated by victim.
"Victim also said he was scared when defendant shot the ground." (lie)
victim did not express any fear, argued loudly, "got right in my face" per defendant, did not cry out for help or move away, DID NOT call MCSO or 911.
"It should also be noted defendant had glassy bloodshot eyes, was slurring his speech and had an odor of an alcoholic beverage emitting from his person. The drink defendant had been carrying also smelled of an alcoholic beverage." (exaggeration - implied drunkenness-review bodycam videos, defendant was not charged with intoxication)

"Victim then showed the spot where defendant had shot in the ground. I took photographs of it, as well as another hole which he had mistaken for the gunshot." (lie - via misrepresentation of facts)

victim showed atkin the bullet impact spot where he was standing (see img #3119) , atkin determined that what victim was showing him was not the bullet impact location and identified the actual bullet impact location (see img #3122) - by doing so, atkin confirmed that defendant had not shot in the ground "right next to him" - "Victim stated he had been standing in one spot",..."
(images/photos taken by deputy atkin)

"According to victim2, victim had been talking calmly to defendant,"
(lie) victim per defendant was yelling loudly "I am not a thief"

***hughes (JH5184) - approved by ryan funke
"I Deputy Hughes was contacted by Deputy Atkins to assist him at (location) for the reporting party has a history of aggression with law enforcement..." (previous "aggression" - defendant called atkin a "coward" and said "do your job")

***initial statements made to hughes by defendant were made before miranda rights were read to defendant
atkins arrives at hughes vehicle location and handcuffs defendant and reads him the miranda rights
"Deputy Atkin asked defendant if he fired a weapon at the other male. Defendant advised he felt threatened as the other male weighed more than him and he was protecting himself." (bodycam video for defendants exact words and note the fact that the weapon was not fired at victim)
"We advised him that he was told by dispatch to not confront the other party and to wait for law enforcement but refused to listen." (Defendant walked to road to see if victim's car was at location, Victim2 approached defendant in roadway and started conversation/ argument, victim then approached defendant in the roadway in an angry and aggressive manner)

"Deputy Atkins had to use force to get defendant into the vehicle where he was then seat belted." (misrepresentation of actual act - of lifting defendants feet into vehicle..."had to use force" - see bodycam video)

"Defendant asked for his dogs to be fed and I advised Deputy Atkin once he returned." (dogs were not fed and watered, MCSO sent a person out (3) days later to care for the dogs that were left in the home)

If you have been keeping up with the posts regarding this case, you will remember the stabbing at (victim) location...there will be an update to that incident (soon) that will more than a little interesting.

(facebook) Does anyone remember hearing anything about this *stabbing that took place in Mineral County early last summer ? Seems strange that I could not find any mention of it in the news.

Something seems "odd" about the "special" relationship between MCSO and these folks, like there must be more to the story judging from how many times MCSO has been there.

*My source tells me the girl spent several months in jail and was then sent back to NY where she was from.

>---The following consists of excerpts from a conversation with defendant regarding some of the interaction between the Mineral County Sheriffs office and it's deputies with the "victim" and his family circa 2020 - 2025 (most recent MCSO interaction 3/4/2025 - 3 squad cars on site)

>do you remember something about the ???? boy being stabbed by his girlfriend ? probably in the last year, ???? said she was in the mineral county jail and I don't see any news reports about the incident

>and give me the details on ???? and "victim" fighting over a firecracker, actual fistfight ?

Yes, the girl was getting beat by the crazy kid and she had enough and stabbed him. Tried to kill him from what I gather. That must've been somewhere around June or just before. After spring, this year (2024)

... the first year "victim" was here (circa 2020) it was just after 4 of July and "victim" and all of them were whoopin it up as usual, making lots of noise so I wandered over to the fence to see what all the commotion was about and "victim" threw a firecracker (way bigger than a black cat) in under ????s truck and when it when off ???? started cussing "victim" out. Took about a min or two before "victim" jumped on him and whooped ????s ass.. wasn't a knock out fight but he was on top of him saying something I couldn't hear but it shut ????s ass up and they went their separate ways. ???? went inside and "victim" was mumbling something and went to his shack.. this was before "victim" went to Oregon to pick up the meth girlfriend....

I did not see her when I was in jail, the female cell was right across from mine, and I never saw her.

Also "victim" has had at least two domestic violence issues which the cops were involved in this year, I walked outside one evening and the block was swarming with black and whites, when "victim" showed up a few days later he has one eye that was bloody, ya know when the blood vessels burst in the eye kinda thing and he chuckled saying he whooped his gfs ass in a fight. Apparently she was drunk and they got in a spat and "he had to put her in her place" .

> didn't see anything on the sheriffs office FB page about the stabbing

It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it.

Apparently she stayed at the shelter and ???? picked her back up and brought her back to his house where the boy beat her again..

I saw her sitting in the road in between ????s place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the ????s . I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.

I imagine she didn't. Helped her drag her suitcase into the shelter and told her good luck and left.

That I still don't know, I stopped off at the Montana bar tonight for dinner and the bartender asked why I haven't been there in months and filled them in on everything. Apparently "victim" was 86'd about the same time all this shit went down and "victim" was trying to fight some local.

No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know I just felt bad seeing her crying in the damn road.

> Did you tell me that the kid went after "victim" one time with a machete?

Yes he did, believe the sheriffs were called then too..

"Victim" was beating on the trailer and the boy was gonna chop him up, sheriffs showed up and took his crazy ass to jail because he answered the door with a machete thinking it was "victim", but it was the sheriff's knocking

Nope, all I know is deputies took the kid out that day

(New Date) The Case: Jury Trial - DC-24-32 - Assault with weapon -

05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

(facebook) Consider me to be a concerned citizen exercising his first amendment right to free speech...

Review/reply :MOTION ON POTENTIAL JURY POOL TAMPERING

The Sixth Amendment of the Bill of Right guarantees, among other things, a defendant's right to a trial "by an impartial jury" and a trial in "the State and district wherein the crime shall have been committed."

>-- withholding evidence from the jury does not create an "impartial jury", but it does create an "uninformed jury"

>-- facts do matter, withholding facts/evidence regarding the credibility and honesty and threat level of the "victim/witnesses" creates a bias against the right to a fair trial of the self-defense claim.

>--btw, defendant name is misspelled, but errors are common in this county attorney's submittals.

These posts taint the credibility of the State and the Court which has tainted this jury pool.

-->these posts question by presenting true facts the credibility of the County Attorney -- as is evidenced by the presentation of the real facts in the case Vs the false narrative version of the facts presented by the County Attorney. And by presentation of the omitted real facts that do counter the "spin" narrative of the county attorney to make the victim the criminal and to make the criminal the victim. If the State has a righteous case, it should not fear for its credibility.

The following are the Facebook posts that have gone throughout over one-third of the community, if not more.

>--(superficially plausible, but actually wrong ..."a specious argument". There is no substaniating evidence of this claim. This appears to be an attempt by the county attorney to manipulate the court. This is a CA that obviously does not understand Facebook)

On February 21, 2025 at 8:45 a.m. Glenn Ferren sets forth “victim
1’s” alleged criminal history. Further he sets forth “victim 2’s” alleged
criminal history.

>-- (Oregon criminal records are public and freely available, nothing is "alleged". County attorney/ state failed to do its due diligence by not Discovering and providing this evidence to the

defendant.)

He recites defendant is a victim and puts forth his version of the facts.

>--(he puts forth the real "facts" directly contradicting the county attorney's version of the facts, fixed it for you, you're welcome)

He again sets forth his version of the facts.

>-- (he sets forth the real facts Vs the county attorney's false version of the facts)

Another potential remedy is a change of venue, which is costly and
inconvenient to all parties.

>--(the better remedy would be dismissal of this case, dismissed with prejudice, or the replacement of the county attorney, debra jackson... who has shown her incompetence and bias...by her failure to recognize and address the flaws in this case; by basing the charges on false and incomplete information about the incident and by elevating the status of career criminals to victims)

If this remedy is put forth, the State would request Glenn Ferren bear all the costs.

>--if this remedy is put forth, the State (Debra Jackson) should bear all the costs, having created

this farce of a criminal case**.** In order to convince the jury into believing what is not true, the county attorney and deputy (Ethan Atkin) created out of whole cloth a crime that did not happen.

How much does a County Attorney make in Montana? As of Mar 4, 2025, the average annual pay for a County Attorney in Montana is $90,252 a year. A sheriffs deputy in Montana earns between $50,000 and $90,000 a year.

Debra Jackson

1103 Rock Creek Rd St Regis, MT 59866
(hidden valley ranch - 480 acres - valuation of property at $900,000.00)

debra jackson has another constitutional right she does not like, now not only does she oppose the second amendment and the right to self-defense, she also now opposes the first amendment right to free speech. being a public servant her work is fair game for public oversight and correction when it is egregiously wrong. the power she wields can do serious damage to individuals and families.

my personal observation: she is defensive and confrontational which may be an outward expression of her knowledge of the level of her performance and abilities. And she abuses the power of her office.

(knudsen montana attorney general) Austin Knudsen Attorney General: President Trump Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans

Feb 24 at 2:20 PM

Glenn Ferren <gferren@yahoo.com>

To: contactdoj@mt.gov

"Today, the White House announced a new Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans. This is the first action taken by President Donald J. Trump to carry through on his promise to restore the full protections of the Right to Keep and Bear Arms for the American people.

President Trump has gone further than simply moving towards eliminating the anti-gun actions of the last administration. The order further requires the Attorney General to take an all-of-government review to further enhance firearm rights by addressing the litigation position of the United States in any case impacting the Second Amendment, ..."

In light of the President's action at the federal level, I am curious as to how the state of Montana will implement the direction of this executive order at the state level.

In Mineral County Montana a trial date is set for March 2025 in a Second Amendment case where the Defendant pleads the right to self-defense.

In this case the State of Montana is defending (2) career criminals, elevating them to the status of "victims".

The Defendant sought to defend himself against severe bodily injury from the ex-convict who approached him in an aggressive manner.

This case would benefit from an extensive review by the Attorney General and a correction of the state's prosecution in the matter via the Mineral County Attorney .

When criminals laugh because they get to be "victims", it defeats the purpose of laws and disdains all law-abiding citizens.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 03/24/2025

9:00am Fourth Judicial District Court, Mineral County

...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

I look forward to your review of this case and your reply.

Glenn Ferren

3/23/2025 (resend of original email and this text added to introduction)

I have not yet received a reply to this previous email. (see below)

The Second Amendment and the right to self-defense are important issues to the Montanans you serve.

Note that since the original email I sent to you on Feb 24, 2025; a new case has been filed (related) that involves the "victim" family - and one of the charges will be sex-trafficking.

It is not a good "look" for the State to be opposing the right to self-defense by a defendant, while at the same time defending criminals as "victims".

The State failed to discover the extensive criminal record of its "victim"s before bringing charges in the Second Amendment case.

And the "victim"s have recently stated they will not witness for the State.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County

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(email constitutes an official record, and the record of this communication has been made public)

(previous email msg attached here)

(facebook) As I mentioned before there would be more news coming regarding the 2nd Amendment case and the alleged victim(s) in that case ; since the news here is now public information.... a related case has a hearing in April in Mineral County. Related in the fact that the "victims" from the Second Amendment self-defense case live at the same residence address.

As it turned out it was not going to be a sex trafficking charge (that might have been the case if the victims age was under (18), or maybe the source was just told that would be the charge)

Charge Summary DC-31-2025-0000007-IN State of Montana vs. William Est

Sel	Charge	Count	Statute	Plea	Disposition	Charging Document	License Alerts
	1	1	45-5-213 : FEL-Assault With Weapon				
	2	2	45-5-303 : FEL-Aggravated Kidnapping				
	3	3	45-5-503(1) : FEL-Sexual Intercourse Without Consent				
	4	4	45-5-220 [FEL] [1st] : FEL-Stalking When Order of Protection in Place - 1st Offense - Felony				

My apology to the AG (see below) btw, there may be more coming on the case noted above that like the stabbing at that residence never made the news. We will watch for that.

>>>re: Austin Knudsen Attorney General: President Trump Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans

Mar 23 at 3:45 PM

Glenn Ferren <gferren@yahoo.com>

To: contactdoj@mt.gov

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The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County

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...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

I look forward to your review of this case and your reply.

(facebook) 2A case, May 2025 ->>>If you have been following this case, this will be an update and intro for those that have not (search for my previous posts if you want to catch up and get some of the backstory). What is happening in this case is the victim of a theft, who exercised his right to self-defense against an ex-convict known to him to be violent and to use drugs, then became a defendant, costing him thousands of dollars, and who is now facing up to (30) years, on charges being brought by the State (county attorney Debra Jackson). In this upside down case, the alleged "victims", are two individuals with extensive criminal backgrounds and drug histories, meth heads who have become protected by the State, while it denies defendant's self-defense rights, the constitutional right and those state laws in place to protect your right to self-defense. The Second Amendment case is set for trial May 19th, 2025. [The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

The players: --Debra Jackson, County Attorney, from California, owns

Hidden Valley Ranch, valued at $900k for tax purposes, probably real value of closer to $1.5 million, if it were for sale --Ethan Atkin, county deputy, came to Mineral County in 2020, worked (2) years for Missoula County before that.

--Victim 1, Warren Cline, from Crook County, Oregon ([violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possession of heroin | 5012 - probation violationation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999 - criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal non-support | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id])

--Victim 2, Paula Nicol from Crook County Oregon (girlfriend, [Charges/Offenses --violation of basic rule | violating the basic speed rule | parole violation. | parole violation. dws felony | viol ignition interlock device installation condition | criminal driving while suspended or revoked | assault 4th deg - 4- domestic abuse | failure to appear 2nd deg | failure to appear in the second degree | driving uninsured | disorderly conduct in the second degree | disorderly conduct | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | violation of basic rule | drive under influence intox | parole violation. | probation violation | sanc probation sanction | exceed maximum speed | criminal mischief in the second degree | careless driving|Unlawful Possession of Methamphetamine 475.894(2)(a)Misdemeanor Class A 08/29/2019].)

And not implicated in this 2A case, though there is another case now ongoing that is relevant [DC-31-2025-0000007-IN State of Montana vs. William Est] -- Victim 1's brother-in-law, Victim 1's sister, Victim 1's nephew. The connection is that all (5) of these individuals live on and share the same property, an address which has an extensive history of criminal activity; from the minor infractions to the more recent case of sex without consent, kidnapping, assault, stalking and maybe more charges since the last time I checked. From playing loud music late at night, to shooting guns across a county road, to fights in the yard with each other, to partner assaults between victim 1 and victim 2, to the nephew chasing victim 1 with a machete, to a stabbing of the nephew by one of the girls brought to the property, to the overdose of another girl that also happened on the property. Due to their close proximity to the events of the most recent criminal case involving this address, one does have to wonder why all (5) of these individuals are not charged in that case, that’s including victim 1 and victim 2.

As has been noted, until recently, the MCSO deputies would show up at this location many times, but no one would get charged or go to jail. Speculation has been that the members of this family are used as CIs by MCSO and/or the Drug Task Force. And has it occurred to anyone that IF the county attorney and MCSO had been doing their jobs, a young woman would not be the victim of rape, and another would not have overdosed at this address. It is possible that the case at this location had its foundation in the overdose incident (unknown), but if that's true, did the county attorney and MCSO drag their feet long enough for another girl to become a victim too ? As the 2A defendant notes on the bodycam video, "if you had been doing your job, we would not be in this situation".

Here's what happened: Defendant notes missing items, calls 911 to request sheriffs response to theft, (says he makes 911 call sound urgent because "they either don't respond or they just show up later and drive by, there is actually a video of the MCSO doing just that)), goes out of his driveway to county road to make sure suspects vehicle is at home, victim 2 (girlfriend) approaches defendant in county road and an argument occurs over the theft, victim 1 enters the county road and approaches the defendant in a threatening manner (intent), defendant fires a warning shot from his handgun, behind him into a safe location, victim 1 stops his intended assault, stands in the road and yells at the defendant.

As noted on the bodycam video later, defendants intent was to "stop a bear in his tracks, and it did stop a bear in his tracks".

Lets discuss "warning shot" Vs lethal force, center mass, shoot to kill. There is a misconception that a warning shot is not a valid self-defense action. Recent court cases have said otherwise, because the intent of self-defense is to stop or deter serious bodily harm. And a warning shot meets that intent. A little research shows that it is a recommended procedure by the department of justice and the international association of police chiefs, when it is safe to do so and will avoid the need to use lethal force. In 2012, the Missoulian headline on an article reads ... "deputy fires warning shot ..." A warning shot was fired,it was fired as justifiable use of force to deter or prevent serious bodily harm.

Why is it important to this case ? When deputy atkin arrived he shunted the defendant to deputy hughes, spent no time getting the facts from the defendant of the events that had occurred, and began interviewing victim 1. Victim 1 took atkin to a spot in the road and said "this is where I was standing, this is where he shot, right at my feet". Deputy atkin noted that it was not a bullet impact location in the roadway, located the legitimate bullet impact location, and continued his interview of victim 1. Point being - Victim 1 started the interview/investigation by lying and that should have been a red-flag to deputy atkin. [45-7-205. False reports to peace officers] Atkin singularily focused on the weapon discharge and began gathering support for his intention to charge the defendant from statements of victim 1 and later victim 2. There will be more on those statements (victim 1, victim 2, deputy atkin, deputy hughes) later as I give some analysis of the bodycam videos and the dialogue that were part of this interview process by deputy atkin. (interview Vs investigation) It's my opinion that deputy atkin is not stupid and was aware that he was being lied to by victim1, but he proceeded anyway to gather what he wanted to justify the arrest and charges against the defendant.

My intent is to show you where and how the County Attorney is attempting to spin the narrative to support the charges she has brought against the defendant. My effort is to see that the real victim here, the defendant - the victim of theft and the victim of the MCSO and County Attorney Jackson - gets some help against an abuse of the legal system and a wrongful arrest based on absurd charges.

(facebook/multiple editors) Kinda mind-blowing ...

[2A - The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County]

[The Case: [DC-31-2025-0000007-IN State of Montana vs. William Est]

Interesting connection here... the defendant in the 2A case is technically a witness in the 2nd case. (excerpts of conversation regarding one of the victims in the 2nd case)

> do you remember something about the ..... being stabbed by his girlfriend ? probably in the last year, ... said she was in the mineral county jail and I don't see any news reports about the incident

Yes, the girl was getting beat by the ..... and she had enough and stabbed him. Tried to kill him from what I gather. That must’ve been somewhere around June or just before. After spring, this year (2024)

I did not see her when I was in jail, the female cell was right across from mine, and I never saw her.

> didn't see anything on the sheriffs office FB page about the stabbing

It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that’s the last I heard of it.

Apparently she stayed at the shelter and .... picked her back up and brought her back to his house where the boy beat her again.

I saw her sitting in the road in between .... place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I’d get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the .... . I think it was about 3 weeks or so before the block was surrounded by mineral country’s finest and that’s when I heard she tried killing the kid.

I imagine she didn’t. Helped her drag her suitcase into the shelter and told her good luck and left.

No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don’t know, I just felt bad seeing her crying in the damn road.

(facebook) Second Amendment Call to Action

2A Case Mineral County District Court Superior Montana May 19th 9am

Defendant loses ? and meth heads win ?

This case could mean that You lose your right to self-defense.

Show up and show support for the Second Amendment.

(facebook) [Order Of Trial -- 46-16-401. Order of trial. (1) After the jury is sworn but before the introduction of any evidence, the court may give the jury general instructions concerning the conduct of the trial. The court shall give the jury such cautionary instructions as may be required during the course of the trial.

(2) The prosecutor may make an opening statement and shall offer evidence in support of the prosecution. The defendant may make an opening statement prior to the prosecutor's offer of evidence or at the close of the prosecution's case but prior to the defendant's offer of evidence.]

My name is Joshua Ferren. I have a son, 18, and two daughters, 7 and 8. I am a roofer by trade. I have a GED education and I don't use big words. I do understand right from wrong and I did not break the law. Like you, I want to live in peace.

If you knew what the State and the court will not allow you to know, this trial would be over in 5 minutes and you would call for the resignation of Debra Jackson and Ethan Atkin. That information will be available to you after this trial. I hope you believe in and uphold the Constitution and the Second Amendment. Regardless of what you have been told, you the jury are the authority here. You have the power to make a legal system a justice system.

You heard the argument... he came to a "fist-fight" with a gun, he should have stayed home ... (this incident occurred in a public roadway, and I was waiting for the MCSO to arrive and both of the alleged "victims" approached me in the roadway)

The court says I can't tell you about the "victim"s extensive criminal history or the multitude of calls answered by the MCSO at that residence, some of which were violent incidents.

But I can tell you that I personally knew of the "victim"s violent nature; I saw him fight with his brother-in-law, and as you heard on the bodycam video, I knew he had put his girlfriend "in her place" just a couple of weeks prior to this event. I knew he had an altercation with his nephew that involved a machete. I knew of violent incidents at the "victim's" residence. I helped a victim of crime at that residence.

And to reinforce my belief that the "victim" did actually steal my ingot of silver, which I had made for my daughters, he had related to me an event where after a disagreement with someone that owed him money, he said that he stole their tool set.

Lightweight - 135 pounds (me/Defendant) Vs Heavyweight - 200+ pounds (warren cline/"Victim")

If you understand boxing, this sounds like a "mismatch" doesn't it.

So a warning shot was fired in self-defense

Do you think the I should have my teeth knocked out before I can defend himself ?

My spleen or kidneys ruptured ? My eye gouged out ?

Is that what you would do, wait for the hands around your throat ?

Should I have let the "victim" "put me in my place" the way he "put her in her place" as the "victim" said about his girlfriend, victim2 ? What should I allow an ex-convict to do to me that allows me to react with justifiable force in self-defense to the threat the "victim" expressed to me in the form of physical violence ?

Do you think that is what self-defense and the 2nd amendment means ? That I have to suffer severe injury before I have the right to defend myself? Would you wait until your teeth were on the ground ?

Do you think Montana's self-defense right to use force laws mean bodily injury must occur first ?

No, the 2nd amendment does not say you have to suffer severe injury before you have the right to self-defense, your most important civil right. No, Montana's right to use force law does not say you have to suffer severe injury before you have the right to use force. No, Montana's right to use force law does not say you have to shoot to kill. In Ohio recently a court ruled on a self-defense case ...that the self-defense law in that state does not require an intent to harm or kill another, just the "intent to repel or escape force." A headline in the Missoulian in 2012 reads... "officer fires warning shot ..." My intent was to repel or escape force. Knowing my education level, the state will still try to twist my choice of words "scare tactics". As I said on the bodycam, I stopped a bear in his tracks. That was my "scare tactics".

I have the right , with a warning shot or a lethal shot, to respond to a threat of serious injury - I'm not going to allow you to hurt me, I have the right to say, with a warning shot, maybe you should stop and reconsider, deter your aggression, and if you don't, I do have the right to use justifiable lethal force to stop you.

I feared serious bodily injury and fired my weapon in deterrence/self-defense of what I believed to be pending severe physical harm to myself by (victim) who was approaching me in a threatening manner, fists clenched, face contorted in rage." The "victim is bigger than I am, outweighs me by 70lbs, and is known to me to be a drug user. I was not sure what he might be high on, maybe meth.

The "victim" did not even flinch when I fired the warning shot, but he stopped in his tracks.

And think about this... the "victim" never cried out in fear, did not say "don't shoot me", did not call out for help, did not run back to his yard, and did not call the MCSO. He stopped in his tracks, stood and yelled angrily at me. I am the one that called the MCSO, (20) minutes before this happened. the 911 call 18:46 (6:46pm) deputy arrived at 19:04 (7:04) I made that call sound urgent to get a quicker response.

And then we waited for the MCSO deputy that I had called for to arrive.

The State who was not present when the incident occurred, through its agent county attorney Debra Jackson, says I have no right to self-defense. The County who did not investigate a theft and who was not present when the incident occurred, through its agent deputy Ethan Atkin, says I have no right to self-defense. The State by its actions prosecuting the false allegations of the County has cost me at least $10,000 in bail money and lost wages due to the conditions of that release. Therefore, I ask the jury to find me not guilty on all charges and to award compensatory damages in the amount it sees fit, for associated costs incurred, and for the mental anguish and stress associated with being the victim of this egregious prosecution and the false arrest based on a false depiction of the event that transpired.

<Therefore, I ask the jury to find me not guilty on all charges and to award compensatory damages in the amount it sees fit, for associated costs incurred, and an additional amount for the mental anguish and stress associated with being the victim of this egregious prosecution and the false arrest based on a false depiction of the event that transpired , that has added a sense of chaos and uncertainty to my life.>

Between criminals and mentally disturbed individuals in my neighborhood and a sheriff's department that may or may not answer a call or even just drive by and not stop, I am glad that I have the Second Amendment right to self-defense and that I can defend myself.

(facebook) Second Amendment Call to Action

2A Case Mineral County District Court Superior Montana May 19th 9am

Defendant loses ? and meth heads win ?

This case could mean that You lose your right to self-defense.

Show up and show support for the Second Amendment.

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Second Amendment Call to Action

2A Case Mineral County District Court Superior Montana May 19th 9am

Defendant loses ? and meth heads win ?

This case could mean that You lose your right to self-defense.

Show up and show support for the Second Amendment.

(mineral county commissioners) How Debra Jackson killed the Second Amendment, May 19/20 2025

Working with false evidence and an ex-convict meth head with a "creative" story, Jackson convinced a jury of Mineral County Second Amendment supporters to bring guilty charges in a self-defense trial. But we all know ex-convict meth heads need someone to look out for them, right ? Their's is a hard life. And this one just wants to bring flowers and rainbows to the world, and especially to his neighbors. He would never steal from them (he said so).

On Monday May 19th, an image depicting the complaining witness and a hole in the county roadway was submitted to the jury as evidence of a bullet impact location. Problem is that it is not the bullet impact location. This photo and another photo (of the actual impact location) were submitted during deputy atkin's post incident data gathering. Atkin noted that the hole complaining witness claimed (10) minutes after the incident was the impact site "right at my feet, 3 ft away"... was NOT a bullet impact site. (there was no discharge investigation/bullet fragment gathering done by MCSO at the time of the incident or later) The defendant in the week of the incident, provided a video of metal detector recovery of fragments from the bullet impact site to his public defender. Exactly where he said he shot and 180 degrees away from the complaining witness and his "right at my feet, 3ft away" hole (someone had kicked a rock out of the roadway).

This is an important piece in Jackson's miscarriage of justice. It sets up the meth heads status as a "victim" and allows for his narrative of how the incident progressed according to his testimony. He was just out to see what was wrong with his neighbor and how could he help. But, and this is interesting, because it was not in the report made (10) minutes after the incident in august 2024, the "victim" now added a new twist to his story. It seems the shot "right at my feet" occurred after he had turned to walk away, so he turned around again to face the defendant, because "I was afraid he would shoot me in the back". Problem is, none of that happened. Now, in a self-defense case, if you are painted as the aggressor, and especially if you are a "back-shooter", you have no legal right to self-defense. Game over.

And this is just the way Jackson presented it to the jury. But she had help. When atkin testified, as he was about to describe the photo of the (actual) bullet impact site (this guy is an ex-military tanker and knows about bullet and cannon shell impact sites), the defendant's public defender interrupted him (I think asking about the non-investigation/no fragment recovery by MCSO) and somehow, beyond reasonable explanation, the false evidence photo (not the bullet impact site) was accepted as evidence to put before the jury. This is not the only F***up by the PD during the two days of trial.

There was the incident where deputy hughes blurted out "history of aggression" (there was none, it was the line he partially remembered from atkin noting defendant was aggressive toward law enforcement (mouthy and called atkin a coward). The folks in charge decided no one had heard the comment (I heard it in the back of the court room, and hughes was right in front of the jury). Not a good thing for the jury to hear. (and not true)

Also, the public defenders convinced the defendant that he did not need to testify. No need, they had the case (won the case insinuated) because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on the meth heads chest to hold him back, as the meth head did stop but not retreat after the discharge. that kinda indicates no assault and no intimidation IMHO)

Board of Commissioners
5/25/2025

300 River Street

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Beach, ND 58621

re: County Attorney Debra Jackson

County Attorney Jackson has failed to exhibit and competently perform the requirements of her position.

In a recent trial she used false evidence to support and gain a conviction.

Delay in the pending Est case caused another victim.

She attempted a retaliation against a defendant for public statements made by me.

Jackson has questionable ethics by her actions and by knowingly putting forth false evidence to achieve a conviction. She abuses her position and authority.

County Commissioners should request Debra Jackson's resignation and/or support a recall petition to remove Jackson from the position of Mineral County Attorney. I look forward to the record of your reply.

Glenn Ferren

gferren@yahoo.com 701-552-3344

<the county commissioners replied to my letter saying there was really not much they could do, their function is mostly budgetary, and that they would share my letter with the mineral county attorney and the mineral county sheriff>

(facebook) Just a few words regarding the rumors that Warren and Paula may be working for the MCSO and the Drug Task Force.

The sheriff said they were not. And County Attorney Debra Jackson recently defended warren cline in the second amendment self-defense trial, may 19/20th

warren cline. (lives in cabin city) age 56: white male: 6' 200lb, brown eyes, bald, tattoo "mighty whitey", motorcycle/pickup paula nicol (lives in cabin city) age: 51: white female:5'4" 120lb, blue eyes , brown hair, audi suv

Warren is the uncle of William Est (pending trial - several felony charges, lives in cabin city)

And there is no evidence to support the rumor that the Est family may be looking to make points with the County Attorney/drug task force in hopes of reducing William's charges.

These guys are definitely not CI's.

(multiple editors) How do you lose a second amendment self-defense case in Montana to the meth head across the road ? It's an interesting story... a county attorney that puts false evidence in front of the jury ("If I tell you a fact, that is not a fact, that is ok", she said), an ex-con meth head that gives false testimony at trial, and two public defenders - one in training and the other allowed to practice "with supervision", definitely not the "A" team . In our legal system, prosecutors are allowed to limit the information a jury can know about both the defendant and importantly about the victim/witness. Is this "justice" or just an uninformed jury ? If you are a defendant, do you plead guilty to something you did not do ? or got to a jury facing an 80% conviction rate, and likely be found guilty of something you did not do, a law you did not break. Unless you have $25,000 to fund a lawyer for a trial, you are left with the public defenders office. And from this case, the question emerges, how well does the public defenders office and its lawyers actually serve the public, what performance level is acceptable ?

Will the court do cleanup or coverup on this case ? (If you are interested in investigative journalism, I have the bodycam videos and the discovery and procedural documents).

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(facebook) Just an update on the Second Amendment self-defense case in Mineral County, May 2025

Cause No. DC-31-2024-0000032-IN

The court has in hand (since June 17th) the Motion for new Trial based on the false evidence and subsequent false testimony that was presented to the jury. And a part of that motion is the public defender's awareness of the false evidence and their failure to impeach the complaining witness's testimony.

The county attorney's response has not been available (yet). Notable quotes in this case by Jackson - "if I tell you a fact that is not a fact, that is ok", and "Mr Cline does not look very scary to me". Cline's record - Burglary, Assault, Possession of Heroin, etc. being a non-consideration for either "scary" or as a truthful witness evidently.

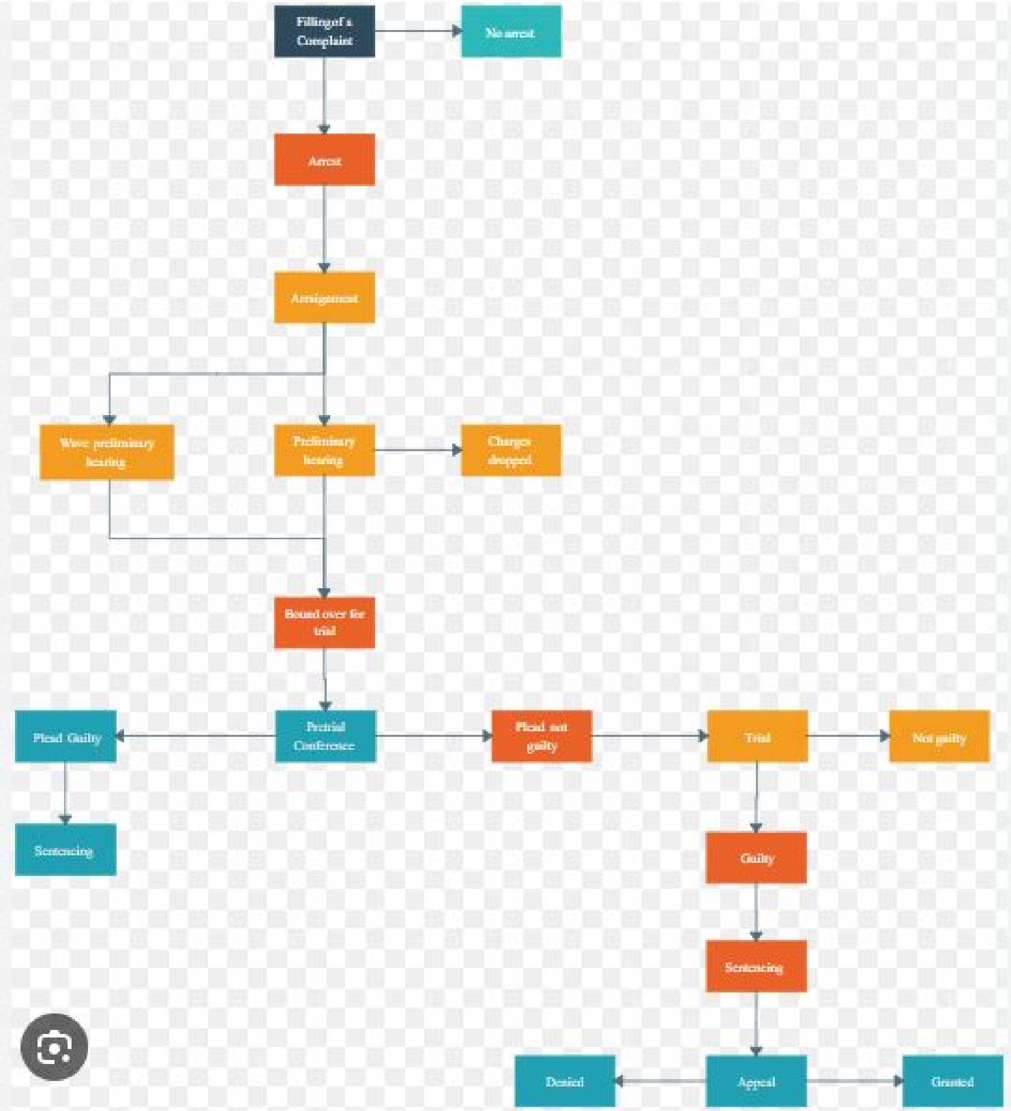
Jackson has a source that keeps her updated on my posts on this group. It remains to be seen if her game plan will continue to be cya or to do things right and ethically and cleanup the mess that has been created by the county attorneys office and the mineral county sheriffs office.

As you are aware by now, the Cline family is involved in another criminal case. For details on that review my previous postings or research Cause No. DC-31-2025-0000007-IN thru the Public Access Portal, search William Est...

https://dcportal.pubcourts.mt.gov/fullcourtweb/start.do

(mineral county sheriff) - August 2024 ...cabin city, joshua ferren, investigation/police report/arrest report

I'd appreciate some voice time to discuss this matter and my request for the police report/arrest report. I can also offer some information about the parties involved in the incident that may be relevant to your investigation.


Fillingof a Complaint
No arrest
Arrest
Arraignment
Wave preliminary hearing
Preliminary hearing
Charges dropped
Bound over for trial
Plead Guilty
Pretrial Conference
Plead not guilty
Trial
Not guilty
Sentencing
Guilty
Sentencing
Denied
Appeal
Granted

Creating an eBook for free with AI tools

You can leverage AI to help you create an eBook for free by using various online tools. Here's a general approach:

1. Plan your ebook

Define your topic and target audience: What is the main subject of your eBook? Who are you writing it for? Understanding your audience will help you choose the appropriate tone and content, according to Piktochart.

Outline your content: Structure your eBook into chapters and sections. This outline will serve as a roadmap for your writing process.

2. Utilize free AI tools for content generation

Choose an AI writing tool: Several platforms offer AI writing assistants that can help you with content creation. Some options include Grammarly's free AI content writer, Squibler's AI Story Writer, and Jasper.ai's ebook creator.

Generate your content: Input your topic and outline into the chosen AI tool. It can help you generate ideas, drafts, and even full chapters, according to Undetectable AI. You can also use tools like Echobase.ai or MaxAI specifically designed for generating ebook chapters.

Generate images with AI (optional): Tools like DALL-E can create unique images based on text descriptions to enhance your eBook's visual appeal.

3. Design and format your ebook

Choose a design tool: Platforms like Canva, Visme, or Venngage provide free ebook templates and easy-to-use interfaces.

Select a template: Browse the available templates and choose one that aligns with your eBook's style and theme.

Customize your eBook: Use the design tool's features to add your content, images (generated by AI or otherwise), logos, and other design elements, according to Piktochart. You can adjust fonts, colors, and layout to match your brand, says Venngage.

Design your cover: Create an eye-catching cover that attracts readers. Many design tools offer templates specifically for eBook covers.

4. Review and publish

Review and edit: Carefully read through your eBook, proofread for errors, and ensure the content flows smoothly, says Undetectable AI.

Publish your eBook: Export your eBook in a suitable format like PDF or EPUB. You can then share it online through various channels.

Important considerations

While AI can greatly assist in content generation, it's essential to add your unique voice and style to the eBook to make it authentic and engaging, notes a YouTube video.

Always review and refine the AI-generated content to ensure accuracy and coherence, according to Echobase.ai.

Consider using AI tools to supplement your writing skills rather than completely relying on them.

For publishing, platforms like Amazon Kindle Direct Publishing (KDP) are popular choices for authors looking to sell their eBooks.

In Montana, false arrest claims involving deputies are evaluated under both state and federal law, focusing on whether the arresting officer had probable cause at the time of the arrest.

Key Legal Principles

Probable Cause Requirement: An officer must have a reasonable belief, based on facts and circumstances, that a person has committed or is committing a crime. Without probable cause, an arrest may be deemed unlawful.

Fourth Amendment Protections: The U.S. Constitution protects individuals from unreasonable searches and seizures, including arrests without probable cause.

In 2024, former Ravalli County Deputy Jeffrey Allen Gregorie faced multiple criminal charges, including official misconduct and mistreating prisoners. While not directly related to false arrest, this case highlights ongoing concerns about law enforcement accountability in Montana.

In Montana, false arrest claims are evaluated under both state and federal law, focusing on whether the arresting officer had probable cause at the time of the arrest. The Fourth Amendment of the U.S. Constitution and Article II, Section 11 of the Montana Constitution protect individuals from unreasonable searches and seizures, including arrests without probable cause.

Probable Cause Requirement: An officer must have a reasonable belief, based on facts and circumstances, that a person has committed or is committing a crime. Without probable cause, an arrest may be deemed unlawful.

State v. Lackman (2017): The defendant claimed self-defense after shooting an individual he believed posed a threat. The court reiterated that the use of force must be proportional to the threat and that the belief in imminent danger must be reasonable. This case underscores the importance of the perceived threat's immediacy and severity in justifying the use of force.

Statutory Framework: Official Misconduct

Under Montana Code Annotated § 45-7-401, a public servant commits official misconduct when they knowingly perform an act related to their office that constitutes an unauthorized exercise of their official functions, with the purpose to obtain a personal advantage or to harm another. Conviction can result in fines up to $500, imprisonment for up to six months, or both.

Elimination of Qualified Immunity

Montana has eliminated qualified immunity defenses for state constitutional actions against law enforcement officers. This change allows individuals to pursue civil rights claims without the barrier of qualified immunity, holding officers accountable for abuses of authority.

A deputy found to have falsified details in an incident report leading to wrongful arrest or charges might lose certification and face criminal charges under Montana law (e.g., § 45-7-205 MCA).

What are some examples of unethical police behavior?

The most prevalent forms of police corruption are accepting gratuities, selective enforcement of laws, outright theft and burglary, bribery and extortion, and internal corruption. Other forms include aiding and abetting criminal behavior, abuse of authority, perjury, favoritism, and brutality.

1. Legal Standards for Deputy Conduct in Montana

Deputies, as peace officers, are held to high ethical and legal standards under Montana law, including:

Montana Code Annotated § 7-32-2122 (Peace Officer Standards): Requires officers to maintain integrity, honesty, and uphold the law impartially.

Montana Public Safety Officer Standards and Training (POST) Council: Certifies officers and can suspend or revoke certification for ethical violations or misconduct.

Violations can include dishonesty, falsifying reports, abuse of power, and official misconduct.

POST Council Disciplinary Proceedings

While not always detailed in court opinions, the POST Council regularly disciplines deputies for unethical conduct, including falsifying reports, abuse of authority, and other forms of misconduct.

Criminal Statutes Related to Unethical Behavior

Montana Code Annotated § 45-7-202 (Official Misconduct): Makes it a crime for a public servant, including deputies, to knowingly commit an unauthorized act related to their office.

Montana Code Annotated § 45-7-205 (False Reports to Peace Officers): Criminalizes knowingly filing false reports or statements.

> > >There are three elements for admission of evidence of victim's prior violent

conduct: (1) self-defense must be at issue; (2) the defendant must lay

foundation for the evidence with admissible testimony; and (3) the

defendant must present evidence that he relied upon that evidence in

defending himself.

> > >Brady Elements and the Due Diligence Rule

The Brady decision placed a constitutional safeguard on defendants' due process rights by allowing them to allege a Brady violation if the prosecution suppressed exculpatory evidence.64 There are three essential elements of a Brady claim, developed within Brady's progeny, with the burden on the defendant to prove each.65 First, the evidence must be favorable to the defense.66 Evidence is favorable if it has exculpatory value or could impeach a witness for the prosecution.67 Second, the evidence must have been suppressed—whether willfully or inadvertently—by the prosecution.68

Third, the suppression of the evidence must have prejudiced the defendant, meaning that it was material to his guilt or punishment.69 Evidence is material if it reasonably could have changed the outcome of the trial.70 Although there is no element concerning the timing for the disclosure of Brady evidence, the Court in Agurs considered this separately, stating that prosecutors must decide what evidence to voluntarily disclose "in advance of trial."71 The Court also added the words "and perhaps during the course of a trial" to clarify that new evidence discovered during trial should be voluntarily disclosed to the defense.72

Montana Code Annotated § 45-7-207 (Tampering with or Fabricating Evidence): Applies to deputies who manipulate evidence to mislead investigations.

What is cherry picking argument?

The cherry picking fallacy occurs when only evidence supporting an argument is selected and presented, while contradictory evidence is ignored. This practice harms credibility and persuasiveness by giving an impression of bias and a lack of consideration for alternative perspectives.

What is it called when someone ignores evidence?

The invincible ignorance fallacy, also known as argument by pigheadedness, is a deductive fallacy of circularity where the person in question simply refuses to believe the argument, ignoring any evidence given.

What is the fallacy of suppressed evidence?

The fallacy of suppressed evidence is as simple as it seems: one commits the fallacy when one presents evidence or an argument for a position but leaves out (or suppresses) relevant evidence that would weaken or show false one's conclusion.

…under the Supreme Court decision in Brady, the prosecution is required to provide information that favors the defense in the specific case, including information relevant to an officer's honesty.

The Mineral County Sheriff's Office Brady List includes all known issues of police misconduct, do not call status, decertification, public complaints, use-of-force reports, and citizen reports. **Mineral County Sheriff's Office is not in compliance** with the nationwide, public-facing, platform of record: The Brady List; or:

Supreme Court of the United States [SCOTUS] Brady doctrine (1963);

US Freedom of Information Act 5 U.S.C. § 552 (1967);

Montana Public Records Act Montana Code 2-6-101 et seq.;

Open Government Act S .248 (2007);

Open Government Initiative (2009); and,

Open Government Directives (2009) issued by the United States Department of Justice.

Prosecutors have ethical obligations and may be held individually accountable under the Rules of Professional Conduct [R.P.C.] for their conduct within the legal system. Violations of these Rules can result in disciplinary actions which may include sanctions, suspension, or disbarment.

R.P.C. 3.4: Fairness to Opposing Party & Counsel

R.P.C. 3.8: Special Responsibilities of the Prosecutor

R.P.C. 8.3: Reporting Professional Misconduct

This information has been curated by journalists and private citizens; and, this platform is available as-a-service to all Peace Officer Standards & Training [POST] Departments, Prosecutors, and Law Enforcement Organizations [LEOrgs].

Mineral County Sheriff's Office has no individuals registered.

(deputy Micah Allard)

These police officers with credibility problems are referred to as "Brady cops". (deputy Ethan Atkin)

County Attorney Boris sent a memo to Sheriff Ornelas on July 26 regarding "Brady Disclosures," which will now be necessary in any case involving Dept. Balenger.

The term "Brady disclosure" comes from a US Supreme Court Case, Brady v. Maryland, in which the court ruled among other things that the prosecution must disclose information that would enable the defense to more effectively impeach the credibility of government witnesses.

"After spending significant time researching this issue, as well as speaking at length with not only other county attorneys across the state, but also to an individual who provides ethics training specifically related to disclosures under Brady across the country, I have determined that this office is required to disclose information relating to the above-referenced incident in every case in which Dept. Balenger may be called as a witness," the memo reads.

According to County Attorney Boris, the need for Brady Disclosures could apply in two cases – one in any situation where the suspect is "resisting" or where any use of force is used in an arrest and two being any case where Dept. Balenger is required to testify.

"It follows that disclosure of this information will necessarily place any prosecution in which Dept. Balenger is a witness in serious jeopardy," the memo reads. "I do not want to be in the position of explaining to a victim of an offense that the case was lost or cannot be prosecuted due to concerns about the investigating officer's credibility, and I assume you do not want to be in that position, especially given that you now have been informed of the disclosure requirement."

County Attorney Boris issued a formal statement regarding the incident and the repercussions of the incident.

“We have an obligation, as elected officials and law enforcement, to do the right thing for the citizens of Mineral County,” County Attorney Boris said. “We are supposed to be the ‘good guys.’ If we cannot or will not police ourselves and take appropriate action when we become aware of wrongdoing within our ranks, then we are not deserving of the trust the public places in us.”

County Attorney Boris continues by stating that Dept. Balenger’s actions were “absolutely unacceptable.”

“The county commissioners and I have expressed to Sheriff Ornelas that we do not believe that the disciplinary action that was taken was severe enough to adequately address the seriousness of Deputy Balenger’s actions, but neither the commissioners nor I have the authority to discipline Sheriff’s Office employees - that authority rests with the Sheriff alone,” County Attorney Boris said.

What is the giglio rule?

Under the law, prosecutors must disclose any evidence that could call into question the credibility of an individual testifying in trial or impede an investigation. This constitutional requirement applies to all witnesses, including law enforcement officers, in order to ensure a defendant gets a fair trial.

What is the Brady rule in criminal law?

The Brady rule, named after Brady v. Maryland , requires prosecutors to disclose material , exculpatory information in the government's possession to the defense.

What is it called when the prosecutor withholds evidence?

Brady Violation – 7 Common Examples of Hiding Evidence

In general, a “Brady violation” occurs when a prosecutor fails to provide a defendant or criminal defense attorneys with any favorable or helpful evidence to a defendant's case.Feb 12, 2024

A Brady motion is a defendant’s request that the prosecution turn over any potentially

exculpatory evidence, or evidence that may be favorable to the accused.

Criminal procedure laws say that defense counsel should file this motion whenever they believe prosecutors are withholding favorable evidence.

Note that “reasonable probability” is an easier standard to meet than the “beyond a reasonable doubt” standard that prosecutors must meet when proving a crime.

INTRODUCTION

The Montana Criminal Jury Instructions are solely the product of the Criminal Jury Instruction Commission of the Supreme Court of the State of Montana. The Commission members are volunteers appointed by the Montana Supreme Court and include attorneys who primarily practice criminal law at the trial and appellate levels, educators in this area, and district court judges.

The Commission has updated and revised the instructions of the 2009 edition and 2018 cumulative supplement in response to legislative enactments and Supreme Court decisions. The Commission adopted this edition, after considering each proposed revision, on December 31, 2022.

Counsel should not rely on these instructions without researching the current state of the law. Counsel should examine each instruction carefully to assure absence of errors in construction or citation. Counsel should further consider that these instructions were revised in accordance with the 2021 Montana Code Annotated; some instructions apply to crimes that occurred prior to the enactment of the 2021 MCA and counsel may wish to consult previous versions of the Montana Criminal Jury Instructions.

The Commission specifically notes that the issues of consent in sexual offenses and drug crimes relating to marijuana received Legislative revisions which modify the elements based on the offense date. Counsel should exercise particular caution when considering the correct proposed instructions in light of the offense date.

Except where specifically noted, the Montana Supreme Court has not "pre-approved" the language of these instructions. These instructions have not been promulgated or adopted by any court. The parties and the court must use independent legal judgment when drafting instructions for a particular case. Counsel must analyze proposed instructions in the context of the case, make legal challenges where appropriate, and offer new or supplemental instructions as necessary and to preserve the issue for appellate review.

Not all offenses are included within. The Commission attempted to address offenses most commonly prosecuted, leaving to the litigants and the courts the task of formulating instructions for offenses not listed.

Hon. _Shane Vannetta____________

District Judge, Dept. No. 5___

Fourth Judicial District

Missoula County Courthouse

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Missoula, MT 59802

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General Information

The Appellate Defender Division of the Montana State Public Defender (OAD) is a sub-unit of the Montana Office of the Public Defender (OPD). OAD attorneys practice before the Montana Supreme Court and handle the appeals for all OPD clients across the state. These appeals include criminal cases in which incarceration is a possibility, juvenile cases, commitments to the state mental hospital, guardianships, and terminations of parental rights.

Law and Motion Zoom Information

By Department:

Department 1: Judge Halligan

https://mt-gov.zoom.us/j/232320439?pwd=VFBrQ3pOUWRnWHRNenhXRHduaDZGUT09
Meeting ID: 232 320 439 Password: 202041
Dial by Telephone +1 646 558 8656 Meeting ID: 232 320 439 Password: 202041

Department 2: Judge Deschamps

https://mt-gov.zoom.us/j/98401844134?pwd=bTZsWnhjbTFZQ1RsREhFRkFySklRZz09
Meeting ID: 984 0184 4134 Password: 202042
Dial by Telephone
+1 646 558 8656 or +1 406 444 9999
Meeting ID: 984 0184 4134
Password: 202042

Department 3: Judge Larson

https://mt-gov.zoom.us/j/91898615130?pwd=U3JlVDJ3U2FucFF4eXRTK01qRDJtQT09
Meeting ID: 918 9861 5130 Password: 822984
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Department 4: Judge Marks

https://mt-gov.zoom.us/j/8913602718?pwd=cytYemtuSDNiN3h1eEpmUFUrSk5kUT09
Meeting ID: 891 360 2718 Password: 302193
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+1 646 558 8656 or +1 406 444 9999
Meeting ID: 891 360 2718
Password: 302193

Department 5: Judge Vannatta

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Meeting ID: 862 9489 2526 Password: 202245
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5/25/2025

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com, news@sbgtv.com

One might assume from this principle that if faced with a deadly assault, a person could opt to use nondeadly force if the person thought that a lesser degree of force would be sufficient to end the threat. North Carolina decisions define nondeadly force as force neither intended nor likely to cause death or great bodily harm. See, e.g., State v. Pearson, 288 N.C. at 39. North Carolina decisions have also found that a warning shot may constitute nondeadly force. See State v. Whetstone, 212 N.C. App. 551, 558 n.4 (2011); State v. Polk, 29 N.C. App. 360 (1976).

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46-16-131 Justifiable use of force — burden of proof.

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Montana Criminal Jury Instructions

MT3-110 Issues–Justifiable Use of Force as a Defense

The Defendant has offered evidence of justifiable use of force in this case You are to consider the following requirements of the law in determining whether the use of force claimed by Defendant was justified:

[1] The danger of harm to the Defendant must be a present one [and not threatened at a future time] [and not made by a person without the present ability to carry out the threat.];

[2] The force threatened against the Defendant must be unlawful;

[3] The Defendant must actually believe that the danger exists, that is, use of force is necessary to avert the danger and that the kind and amount of force which defendant uses is necessary;

[4] The Defendant's belief, in each of the aspects described, must be reasonable even if it is mistaken.

[5] A person who is lawfully in a place or location and who is threatened with bodily injury or loss of life has no duty to retreat from a threat, or summon law enforcement assistance prior to using force.

Even if you determine the use of force by Defendant was not justified, the state still has the duty to prove each of the elements of the crime charged beyond a reasonable doubt.

In Fla., 'Stand Your Ground' Now Applies to Warning Shots Too -- March 21, 2019

The law, like its predecessors, affirms that Florida's "Stand Your Ground" law applies to those who use defense threats of lethal force (e.g., warning shots), assuming their actions would have been justified in using actual force.

https://www.findlaw.com/legalblogs/criminal-defense/in-fla-stand-your-ground-now-applies-to-warning-shots-too/

A warning shot is considered deadly force and deadly force can only be used if a person reasonably believes that using or threatening to use deadly force is necessary to prevent imminent ...

> > >However, there is no law that prohibits or enshrines warning shots, Charles Heller of the Arizona Citizens Defense League told me. Generally, you are justified in firing a warning shot if you also would be legally justified in shooting the person in self-defense.

> > >Man taken into custody after Missoula police fire warning shot

google search: legal cases of self-defense where warning shot was fired

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In a criminal case, when character or a character trait of an alleged victim is admissible under Pa.R.E. 404(a)(2)(B) the defendant may prove the character or character trait by specific instances of conduct.

But would it be allowed in federal trials? The answer is "not as in the Pennsylvania prosecution, but maybe sometimes."

At first blush, the answer is a resounding "no" because the Federal Rules of Evidence allow character to be proved only by opinion or reputation, except when character is an element of a claim, charge or defense (a circumstance that almost never arises). "Character" is not an element of self-defense; but character might prove whether the victim was the initial aggressor or escalated the encounter. Again, though, it would be proved by calling witnesses to say "It is my opinion that [victim] was aggressive/violent" or "everyone says [victim] was aggressive/violent."

Caselaw makes this clear. See U.S. v. Gulley, 526 F.3d 809, 819 (5th Cir. 2008) (finding such evidence to be inadmissible); U.S. v. Gregg, 451 F.3d 930, 935 (8th Cir. 2006) (noting "specific acts evidence is not admissible to prove a victim acted in conformity with his character" under the federal rules); See also U.S. v. Keiser, 57 F.3d 847, 857 (9th Cir. 1995) (excluding such evidence because "the victim's violent nature is not essential to a successful claim of self-defense").

Nonetheless, there is one clear exception to this ban, and possibly a second one. The clear exception is when the defendant/accused knew/heard of the violent act(s) of the victim; that knowledge is relevant to the fear and perception of danger the accused had, and that fear may make the conduct justified or at least without malice.

Again, caselaw confirms this. See United States v. Saenz, 179 F.3d 686, 688–89 (9th Cir. 1999) (finding that Rule 404(b) does not bar the admissibility of evidence of the defendant's knowledge of a victim's prior bad acts as probative of the defendant's fearful mental state); Government of Virgin Islands v. Carino, 631 F.2d 226, 229 (3d Cir. 1980) (finding that evidence of a victim's prior conviction, which the defendant had knowledge of, is admissible under 404(b) as probative of the defendant's state of mind); See also U.S. v. Gregg, 451 F.3d at 935 (citing Saenz and noting that "[e]vidence of specific instances of a victim's prior violent conduct for purposes of proving a defendant's state of mind" is admissible "to the extent a defendant establishes knowledge of such prior violent conduct at the time of the conduct underlying the offense charged."); U.S. v. Castillo, 2010 WL 11619257, at *3 (D.N.M. Sept. 23, 2010) (accepting the reasoning of the circuit courts and finding evidence of victim's prior conduct admissible under 404(b) to show the defendant's state of mind).

https://law.temple.edu/aer/2019/11/30/they-did-something-similar-before-prior-acts-character-and-self-defense/

Using Criminal History to Impeach a Witness in Federal Court (Rule 609 of the Federal Rules of Evidence)

Both parties in a criminal trial can question the credibility of a witness. Prosecutors or defense attorneys can ask the witness questions about the case or introduce outside evidence to prove whether the witness is reliable in speaking about the details of the alleged crime.

When a witness has a past criminal conviction, this information can be made known to the court under several conditions. Rule 609 of the Federal Rules of Evidence states that evidence that a witness has been convicted of a crime can be admitted if:

The crime occurred within 10 years of the testimony;

The crime was punishable by imprisonment of more than one year;

The crime showed an act of dishonesty or fraudulent behavior; and

The value of this information outweighs the prejudicial effect that it might have on the defendant’s right to a fair trial.

https://www.wklaw.com/witnesss-criminal-history-affect-trial/

> > >United States v. Piren, 74 M.J. 24 (MRE 611(b) provides that cross-examination should be limited to the subject matter of the direct examination and matters affecting the credibility of the witness).

warren, have you ever been convicted of the crime of burglary (stealing) ?

if you can ask this question, witness either confirms, or commits perjury

> > >The Fifth Amendment gives you the right against self-incrimination. This allows you to refuse to answer questions or provide testimony that could incriminate you.

Rule 609. Impeachment by Evidence of a Criminal Conviction https://www.law.cornell.edu/rules/fre/rule_609

defendant has the right to self-defense against a perceived violent threat

defendant was aware of acts by victim that were violent acts toward others

a warning shot was fired

victim continued aggressive behavior toward defendant

victim did not express fear, did not run, did not cry out for help, did not call MCSO

victim lied to deputy regarding warning shot

Can a case be dismissed if the witness doesn't show up?

The attorney may file a motion to dismiss the case due to lack of evidence or witness testimony. This is particularly effective if the prosecution relies heavily on the accuser's statements.

There is NOT a simple answer to this question without knowing more details. The District Attorney can proceed without a witness by calling the police witnesses who took statements of the witnesses and of your husband. However, they need the witnesses for jury trial and the case will be dismissed if the witness is not found and brought to court. Your husband has a right to CONFRONT the witnesses who are testifying against him. So, if the DA cannot bring the witnesses to jury trial the case can be dismissed However, if the DA is able to bring the witnesses to court on the date of the jury trial the case will likely proceed to trial. There may be favorable offers made if the DA cannot find the witnesses. The favorable offer will "go away" if the DA is able to find and subpoena the witnesses to jury trial. Good luck. You should talk with your husband's lawyer or public defender.

Hearsay is any statement made by the declarant at a time or place other than while he or she is testifying at the trial or hearing that is offered to prove the truth of the matter asserted.

Evidence is “hearsay” if it is a statement (that is, an “assertion,” either oral or written), made by the declarant (i.e., the person who made the statement) at any time or place other than while testifying in court at the current trial or hearing, and the statement is being offered to prove the truth of the matter asserted. See, G.S. 8C-801, 802; State v. Burke, 343 N.C. 129 (1996). For example, if a trial witness such as a law enforcement officer attempted to testify about what an eyewitness at the scene of the crime said that he or she saw, and that statement was offered to establish that the events transpired as the witness reported, the statement would be inadmissible hearsay unless another statute or rule authorized the admission of the statement. See State v. Banks, 210 N.C. App. 30 (2011).

>>However, confrontation issues could potentially arise in a case where, for example, the declarant made a statement to a law enforcement officer in response to questioning designed to elicit information for use in prosecuting the offense.

>>Hearsay: So, it will depend on why the deputy is telling the court that the out-of-court witness said X.

If the purpose was, for example, to establish the reasonableness of the deputy's suspicion for a search or arrest, then it will not be hearsay. What matters in that case is merely that fact the deputy was told X, not that X is true.

If instead, X was introduced for the purpose of proving the crime, then that would be clearly be using X for the truth of its contents, and it would be treated as hearsay.

>>>Even worse, the statements are filled with what is called “burden-shifting” – it is unconstitutional for a prosecutor (or state’s witness) to say or imply that it is the defendant’s responsibility to prove his or her innocence – the burden of proof is always on the prosecution.

If witness is not at trial / does not testify / indicates non-participation in case:

If the State can satisfy the court on the issue of hearsay, the prosecutor must next overcome the Defendant’s 6th Amendment right to confront and cross examine any witnesses against them. The landmark Supreme Court decision of Crawford v. Washington holds that a prior testimonial statement is admissible against the defendant in a criminal prosecution only if the person who makes the statement is available for cross examination either before the trial or at the trial. Crawford v. Washington, 541 U.S. 36 (2004). In plain language, the State must satisfy the court that the witness making the out of court statement, if testimonial, was subject to cross examination at some point in time.

What is a testimonial statement?

Any statements made under circumstances that would lead an objective witness to reasonably believe the statement would be used at a later trial are considered testimonial. Crawford at 52. For example, an interview given to police is considered testimonial. Likewise, a sworn affidavit is considered testimonial. A 911 call is very likely testimonial. So, if the out of court statement is “testimonial,” the State must next prove that the statement was subject to cross examination.

What is “Subject to Cross Examination?”

Cross examination is the formal interrogation of a witness called by the opposing party to challenge the testimony that was given on direct examination. Typically, defense attorneys cross examine witnesses called by the prosecution at trial to advance the defense’s theory of the case. But witnesses can also be subject to cross examination prior to trial at depositions, or taped statements, where the witness is sworn to tell the truth under oath. In the context of a criminal case, the 6th Amendment right to confront and cross examine witnesses is satisfied when the witness is under oath and available for questioning by both the prosecution and defense.

Constitution of the United States

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Cornell Law School

Although much of the Court's Confrontation Clause doctrine has focused on the admissibility of extra-judicial evidence such as out-of-court statements or lab results, in several opinions the Court has examined the extent to which the Sixth Amendment affords a right to confront witnesses in person or face-to-face.

Id. at 1016. A face-to-face encounter with the witness, in and of itself, may not be fully sufficient to satisfy a defendant's right to confrontation, however, if the defendant is deprived adequate cross-examination. See Davis v. Alaska, 415 U.S. 308, 309, 315, 317 (1974) (concluding that trial court infringed on defendant's confrontation rights where it restricted cross examination regarding the juvenile criminal record of a witness pursuant to a protective order issued under state law, where that criminal record was relevant to the defense theory of bias on the part of the witness). The right to confront witnesses face-to-face does not shield the defendant from having his presence-and his resulting availability to "fabricate" his testimony in light of preceding witnesses-noted by the prosecution. See Portuondo v. Agard, 529 U.S. 61, 65 (2000).

One might assume from this principle that if faced with a deadly assault, a person could opt to use nondeadly force if the person thought that a lesser degree of force would be sufficient to end the threat. North Carolina decisions define nondeadly force as force neither intended nor likely to cause death or great bodily harm. See, e.g., State v. Pearson, 288 N.C. at 39. **North Carolina decisions have also found that a warning shot may constitute nondeadly force**. See State v. Whetstone, 212 N.C. App. 551, 558 n.4 (2011); State v. Polk, 29 N.C. App. 360 (1976).

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***(the state will argue defendant should not have left his property and entered the county road, but Note that the victim also elected to leave his property and enter the county road.)**

Even if you determine the use of force by Defendant was not justified, the state still has the duty to prove each of the elements of the crime charged beyond a reasonable doubt.

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The value of this information outweighs the prejudicial effect that it might have on the defendant's right to a fair trial.

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There is NOT a simple answer to this question without knowing more details. The District Attorney can proceed without a witness by calling the police witnesses who took statements of the witnesses and of your husband. However, they need the witnesses for jury trial and the case will be dismissed if the witness is not found and brought to court. Your husband has a right to CONFRONT the witnesses who are testifying against him. So, if the DA cannot bring the witnesses to jury trial the case can be dismissed However, if the DA is able to bring the witnesses to court on the date of the jury trial the case will likely proceed to trial. There may be favorable offers made if the DA cannot find the witnesses. The favorable offer will "go away" if the DA is able to find and subpoena the witnesses to jury trial. Good luck. You should talk with your husband's lawyer or public defender.

Hearsay is any statement made by the declarant at a time or place other than while he or she is testifying at the trial or hearing that is offered to prove the truth of the matter asserted.

Evidence is “hearsay” if it is a statement (that is, an “assertion,” either oral or written), made by the declarant (i.e., the person who made the statement) at any time or place other than while testifying in court at the current trial or hearing, and the statement is being offered to prove the truth of the matter asserted. See, G.S. 8C-801, 802; State v. Burke, 343 N.C. 129 (1996). For example, if a trial witness such as a law enforcement officer attempted to testify about what an eyewitness at the scene of the crime said that he or she saw, and that statement was offered to establish that the events transpired as the witness reported, the statement would be inadmissible hearsay unless another statute or rule authorized the admission of the statement. See State v. Banks, 210 N.C. App. 30 (2011).

> > However, confrontation issues could potentially arise in a case where, for example, the declarant made a statement to a law enforcement officer in response to questioning designed to elicit information for use in prosecuting the offense.

> > Hearsay: So, it will depend on why the deputy is telling the court that the out-of-court witness said X.

If the purpose was, for example, to establish the reasonableness of the deputy's suspicion for a search or arrest, then it will not be hearsay. What matters in that case is merely that fact the deputy was told X, not that X is true.

If instead, X was introduced for the purpose of proving the crime, then that would be clearly be using X for the truth of its contents, and it would be treated as hearsay.

> > > Even worse, the statements are filled with what is called “burden-shifting” – it is unconstitutional for a prosecutor (or state’s witness) to say or imply that it is the defendant’s responsibility to prove his or her innocence – **the burden of proof is always on the prosecution.**

If witness is not at trial / does not testify / indicates non-participation in case:

If the State can satisfy the court on the issue of hearsay, the prosecutor must next overcome the Defendant's 6th Amendment right to confront and cross examine any witnesses against them. The landmark Supreme Court decision of Crawford v. Washington holds that a prior testimonial statement is admissible against the defendant in a criminal prosecution only if the person who makes the statement is available for cross examination either before the trial or at the trial. Crawford v. Washington, 541 U.S. 36 (2004). In plain language, the State must satisfy the court that the witness making the out of court statement, if testimonial, was subject to cross examination at some point in time.

What is a testimonial statement?

Any statements made under circumstances that would lead an objective witness to reasonably believe the statement would be used at a later trial are considered testimonial. Crawford at 52. For example, an interview given to police is considered testimonial. Likewise, a sworn affidavit is considered testimonial. A 911 call is very likely testimonial. So, if the out of court statement is "testimonial," **the State must next prove that the statement was subject to cross examination.**

What is "Subject to Cross Examination?"

Cross examination is the formal interrogation of a witness called by the opposing party to challenge the testimony that was given on direct examination. Typically, defense attorneys cross examine witnesses called by the prosecution at trial to advance the defense's theory of the case. But witnesses can also be subject to cross examination prior to trial at depositions, or taped statements, where the witness is sworn to tell the truth under oath. In the context of a criminal case, the 6th Amendment right to confront and cross examine witnesses is satisfied when the witness is under oath and available for questioning by both the prosecution and defense.

Constitution of the United States

Sixth Amendment

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Cornell Law School

Although much of the Court's Confrontation Clause doctrine has focused on the admissibility of extra-judicial evidence such as out-of-court statements or lab results, in several opinions the Court has examined the extent to which the Sixth Amendment affords a right to confront witnesses in person or face-to-face.

Id. at 1016. A face-to-face encounter with the witness, in and of itself, may not be fully sufficient to satisfy a defendant's right to confrontation, however, if the defendant is deprived adequate cross-examination. See Davis v. Alaska, 415 U.S. 308, 309, 315, 317 (1974) (concluding that trial court infringed on defendant's confrontation rights where it restricted cross examination regarding the juvenile criminal record of a witness pursuant to a protective order issued under state law, where that criminal record was relevant to the defense theory of bias on the part of the witness). The right to confront witnesses face-to-face does not shield the defendant from having his presence-and his resulting availability to "fabricate" his testimony in light of preceding witnesses-noted by the prosecution. See Portuondo v. Agard, 529 U.S. 61, 65 (2000).

Trial w/o the witness, how the prosecution works around that ...

As police officers we often deal with this type of situation. The victim either refuses to testify or simply does not show up for court. Rather than dismissing the case, there is the chance that a prosecutor can proceed without the victim. The success of this prosecution relies on the case preparation by the officers involved and being able to overcome some important constitutional hurdles. The prosecutor must overcome the Confrontation Clause of the 6th Amendment, the Hearsay Rule, and whether the statements that he wants entered into evidence are testimonial or nontestimonial based on recent caselaw.

The objective of the Confrontation Clause is to allow the accused to cross examine the witness by being afforded the “opportunity not only of testing the recollection and sifting the conscience of the witness, but of compelling him to stand face to face with the jury in order that they may look at him, and judge by his demeanor upon the stand and the manner in which he gives his testimony whether he is worthy of belief.” (Mattox v. United States, 1895) This is a fundamental right for the accused in a trial. In the case listed above, it appears that the case would not be able to proceed without the testimony of the victim. However, there have been cases that allow testimony to be entered against the accused when the testimony falls under one of the exceptions to the Hearsay Rule.

The following are exceptions to the Hearsay Rule when the availability of the declarant is

immaterial and will allow the statements to be used in court:

1. Present Sense Impression- A statement describing or explaining an event or

condition made while the declarant was perceiving the event or condition, or

immediately thereafter.

2. Excited Utterance- A statement relating to a startling event or condition made

while the declarant was under the stress of excitement caused by the event or

condition.

Most officers are well aware of using the exception of excited utterance. This exception will allow you to testify in court to what the declarant

said when the statement is considered an “excited utterance.” In the initial example listed

at the beginning of this paper, an example of excited utterance would be when the

officers entered the room and the female said “Thank-you for coming. He said that I had

two hours to live.”

Statements made by the victim about their mental condition (frightened) or physical condition (bruised, in pain)

may be admissible under **the exception of then existing mental, emotional, or physical**

condition.

There have been some recent cases that affect the prosecution of cases without a

victim. These cases were decided on Confrontation Clause issues. The Supreme Court

cases are **Crawford v. Washington, 124 S. Ct. 1354 (2004)**; Davis v. Washington, No. 05-

5224; and Hammon v. Indiana, No. 05-5705. These cases are important to law

enforcement because the facts of the case help to define the types of statements and

situations that can be used in court if the victim fails to appear or refuses to testify.

What the Crawford court failed to do was give a

comprehensive **definition of testimonial. They did however define it to include, at a**

minimum, police interrogations. The question then arises as to the difference between

testimonial and non-testimonial statements.

However, the conversation which occurs after the suspect has fled the scene and the

emergency is over could be construed as testimonial.

(MCSO arrived on the scene after the incident had occurred, there were no shots being fired, and victim and defendant were not in direct confrontation and had separated).

Another Supreme Court case that has some bearing on this subject is **Hammon v.**

Indiana. The U. S. Supreme Court ruled that

the statements made by Mrs. Hammon were testimonial. **At the time she was questioned,**

there was “no emergency in progress” and “no immediate threat to her person.” (The

Oyez Project, 2005) The Court stated that the conversation

between Mrs. Hammon and

the officer was formal enough to be testimonial and therefore, it was inadmissible.

By understanding the Confrontation Clause of the Sixth

Amendment, the Hearsay Rule and its exceptions, and caselaw that defines the difference

between testimonial and nontestimonial statements, we can have the knowledge to

investigate our cases with the possibility of proceeding without the victim.

You are to consider the following requirements of the law in determining whether the use of force claimed by defendant was justified:

(1) **The defendant must not be the aggressor;**

(defendant used tone and wording in 9-1-1 call to express excitement and emergency, saying that if he did not do so, MCSO would not respond)

(2) The danger of harm to the defendant must be a present one and not made by a person without the present ability to carry out the threat;

(3) The force threatened against the defendant must be unlawful;

(4) The defendant must actually believe that the danger exists, that is, use of force by him is necessary to avert the danger and that the kind and amount of force which defendant uses is necessary;

(5) The defendant’s belief, in each of the aspects described, is reasonable even if it is mistaken.

You are further advised that even if you determine that use of force by defendant was not justified, the state still has the duty to prove each of the elements of the crime charged beyond a reasonable doubt. [Emphasis added.]

1. Common Types of Errors in Law Enforcement Reports

(a) **Factual Errors**

Mistakes in dates, times, locations, or names.

Example: The report states the incident occurred at 9:00 PM, but video evidence shows it happened at 7:30 PM.

(b) Misstatements or Omissions

Incorrectly summarizing witness statements.

Omitting key facts that would support the defense.

Example: A report states the suspect was aggressive, but a witness says they were cooperative.

(c) Misidentification

Arresting the wrong person based on mistaken identity.

Example: The report lists John Doe as the suspect, but surveillance footage shows someone else.

(d) **Exaggeration or Bias**

Officers overstating events to justify an arrest.

Brady List concerns: If the officer has a history of dishonesty, their credibility can be challenged.

(e) Failure to Follow Procedure

Failing to read Miranda rights before questioning.

(deputy took advantage of defendants excited state (defendant having been robbed and then arrested, was concerned about his dogs and work, and tried to talk his way out of the arrest ...after being read the Miranda rights and cuffed.))

Improper search and seizure (Fourth Amendment violations).

2. How to Challenge Errors in a Law Enforcement Report

(a) Cross-Examination of the Officer

Expose inconsistencies in the officer's testimony.

Compare the report with body camera footage, 911 calls, or witness statements.

(b) File a Motion to Suppress (If Errors Lead to Illegal Evidence)

Under Montana's Exclusionary Rule, evidence obtained illegally (due to false or misleading reports) may be suppressed.

Example: If an officer fabricates probable cause for a search, the evidence may be thrown out.

(c) Obtain and Compare Additional Records

Body-worn camera footage

Dashcam recordings

Radio transmissions or CAD logs

Surveillance videos

(d) Call Expert Witnesses

Forensic analysts can disprove inaccurate claims (e.g., breathalyzer readings, ballistics reports).

Private investigators can verify witness statements.

3. Legal Precedents & Montana Case Law

State v. Morris, 2020 MT 125

The Montana Supreme Court ruled that misleading information in a police report that led to an illegal search resulted in evidence suppression.

Takeaway: If a police report contains false information that leads to charges, the defense can argue for dismissal.

State v. Johnson, 2018 MT 45

The court found that an officer's misrepresentation of facts in an affidavit led to an improper warrant, and evidence obtained from the search was suppressed.

Takeaway: If an officer falsifies information in a report, evidence obtained from it may be inadmissible.

State v. Kuntz, 1995 MT 284

The Montana Supreme Court ruled that omissions in a police report deprived the defendant of a fair trial.

Takeaway: If a report omits exculpatory evidence, it can be challenged.

4. What to Do If a Law Enforcement Report Contains Errors?

Request a Copy of the Report: Obtain the full police report, bodycam footage, and dispatch logs.

Compare with Other Evidence: Look for inconsistencies in witness statements, surveillance footage, and forensic reports.

Hire a Criminal Defense Attorney: A lawyer can file motions to suppress evidence or challenge officer credibility.

File a Complaint: If an officer knowingly falsifies a report, they can face disciplinary action or Brady List inclusion.

Omission of a Victim's Criminal Record & Its Impact on a Defendant's Case in Montana

If the prosecution omits a victim's criminal record, and that information is favorable to the defense, it could violate the defendant's due process rights under Brady v. Maryland, 373 U.S. 83 (1963). **In Montana, failing to disclose a victim's criminal history—especially if it relates to violence, dishonesty, or past false accusations—can be grounds for appeal, mistrial, or evidence suppression.**

1. Why a Victim's Criminal Record Matters in a Defense Case

(a) Impeachment of the Victim's Credibility

If the victim has prior convictions for dishonesty (fraud, perjury, false reporting), it may undermine their testimony.

Under Montana Rules of Evidence (M.R.E.) 609, past felony convictions or crimes of dishonesty can be used to attack credibility.

(b) Evidence of Prior Violence (Self-Defense Cases)

If a victim has a history of violence, it may support a self-defense claim.

Under M.R.E. 404(a)(2), the defense may introduce evidence of the victim's violent character if self-defense is claimed.

(c) Pattern of False Accusations

If the victim has a history of false criminal complaints, this could be exculpatory evidence.

Example: If a victim previously made false assault claims, that information should be disclosed.

2. Legal Violations If the Victim's Record Is Omitted

(a) Brady Violation (Failure to Disclose Exculpatory Evidence)

Brady v. Maryland (1963) requires prosecutors to disclose evidence favorable to the defense.

If the prosecution knows about the victim's criminal record but fails to disclose it, the defense can argue a Brady violation.

Remedies:

Motion to dismiss the case.

Motion for a new trial if the conviction has already occurred.

(b) Giglio Violation (Failure to Disclose Witness Credibility Issues)

Giglio v. United States (1972) extends Brady to require disclosure of witness credibility issues, including a victim's past misconduct.

If a victim has a history of dishonesty, false reports, or violent crimes, that information must be provided to the defense.

(c) Violation of Montana Discovery Rules

Under Montana Code Annotated § 46-15-322, the prosecution must disclose exculpatory evidence, including records affecting witness credibility.

Failure to disclose can lead to:

Sanctions against the prosecutor.

Exclusion of the victim's testimony.

Case dismissal if the omission prejudiced the defense.

3. Case Law: Montana Examples

State v. Kaarma, 2016 MT 127

Facts: The defendant, Kaarma, claimed self-defense in a shooting case, but evidence of the victim's prior criminal behavior was excluded.

Ruling: The Montana Supreme Court held that excluding evidence of the victim's past was not reversible error because other evidence supported conviction.

Takeaway: If a victim's past violent behavior is relevant, it must be disclosed before trial, but its admissibility depends on specific arguments.

State v. Tiedeman, 2007 MT 215

Facts: The prosecution withheld exculpatory evidence regarding a witness's criminal history.

Ruling: The Montana Supreme Court overturned the conviction due to the prosecution's failure to disclose credibility-damaging evidence.

Takeaway: Omission of a victim's criminal history can violate Brady if it affects trial fairness.

4. What Can a Defendant Do If a Victim's Criminal Record Was Omitted?

(a) File a Motion for Disclosure

The defense can file a motion to compel disclosure of the victim's criminal history and past false accusations.

If denied, the defense can argue Brady and Giglio violations.

(b) Motion for a New Trial (If Convicted)

If the victim's record was omitted and could have changed the trial outcome, the defendant can request a new trial.

(c) Appeal Based on Due Process Violations

If a conviction occurred without disclosure of the victim's criminal record, an appeal can be based on violations of Brady, Giglio, and Montana's discovery laws.

5. Conclusion: How This Can Affect a Case

If the prosecution omitted a victim's criminal history, it could be a Brady violation.

If the victim's credibility is in question, the defense may argue for case dismissal or a retrial.

Montana courts have ruled that failure to disclose key evidence can justify overturning a conviction.

Key Legal Precedents:

State v. Johnson, 2018 MT 45: In this case, the Montana Supreme Court found that the prosecution's failure to disclose a witness's prior criminal convictions, which could have been used to impeach the witness's credibility, constituted a Brady violation. The court emphasized that suppression of such evidence undermines confidence in the trial's outcome, warranting a new trial.

State v. Tiedeman, 2007 MT 215: The court held that nondisclosure of a victim's prior false accusations deprived the defendant of the opportunity to challenge the victim's credibility, constituting a Brady violation. This omission was deemed material to the defense, leading to the reversal of the conviction.

Legal Framework:

Brady v. Maryland: Establishes that suppression by the prosecution of evidence favorable to an accused violates due process where the evidence is material either to guilt or punishment.

Montana Code Annotated § 46-15-322: Mandates that the prosecution must disclose any material or information within its possession or control that tends to negate the guilt of the accused or would tend to reduce the punishment.

University of Michigan Law School

Implications for Defense:

If it's discovered that the prosecution failed to disclose a victim's criminal record that could have been used to impeach the victim's credibility or support the defense's case, the defense may:

File a Motion to Dismiss: Argue that the nondisclosure violated the defendant's right to a fair trial.

Request a New Trial: Assert that the suppressed evidence was material and could have led to a different verdict.

Seek Sanctions Against the Prosecution: Pursue disciplinary actions if the nondisclosure was willful.

It's essential for defense counsel to diligently seek all exculpatory evidence and, if necessary, file appropriate motions to ensure that the defendant's rights are protected.

Key Montana Case Law:

McGarvey v. State, 2014 MT 189: The Montana Supreme Court reiterated that to establish a Brady violation, a defendant must demonstrate: (1) the State possessed evidence favorable to the defense; (2) the State suppressed this evidence; and (3) had the evidence been disclosed, there is a reasonable probability the result would have been different.

State v. Severson, 2024 MT 21: In this case, the court emphasized that evidence is considered favorable if it has the potential to lead directly to the discovery of admissible evidence. **The court also noted that a defendant's failure to request a continuance upon late disclosure does not necessarily waive a Brady claim.**

City of Bozeman v. McCarthy, 2019 MT 209: This decision highlighted that the prosecution has an affirmative duty to disclose all information favorable to the accused that is material to guilt or punishment. The scope of required disclosure includes evidence that could impeach the credibility of a prosecution witness.

These cases underscore the importance of the prosecution's obligation to disclose exculpatory evidence, including information that could impeach the credibility of a victim or witness. Failure to do so can result in a violation of the defendant's constitutional rights and may lead to remedies such as a new trial or dismissal of charges.

Victim’s History of Violence Against Family & Others in Montana Criminal Defense

A victim’s history of violence can be critical evidence in a criminal defense case, particularly in self-defense claims. In Montana, evidence of a victim’s past violent behavior may be admissible under certain conditions, but it depends on how the defense presents it.

1. How a Victim’s Violent History Can Be Used in Defense

(a) Self-Defense – MCA § 45-3-102

Montana law allows deadly force if a person reasonably believes it is necessary to prevent imminent death or serious injury.

If the victim has a history of violence, it can help prove:

The defendant's fear was reasonable.

The victim had a pattern of aggressive behavior.

(b) Defense of Others – MCA § 45-3-103

If the defendant used force to protect family or others, evidence of the victim's past violence against those people can support the defense.

(c) Impeaching the Victim's Credibility (M.R.E. 404 & 609)

If the victim has prior convictions for violent crimes, the defense can use them to challenge credibility.

Example: If the victim had past assault charges, this could support a claim that they were the aggressor.

(one of victims Oregon charges was for Assault)

2. When a Victim's Violent History is Admissible in Montana Courts

(a) Montana Rule of Evidence 404(a)(2) – "Character of the Victim" Exception

In self-defense cases, the defense can introduce evidence of the victim's violent nature.

Example: If the victim previously attacked family members, this history could show they were likely the aggressor.

(b) Prior Bad Acts – **Montana Rule of Evidence 404(b)**

A victim's past acts of violence against family or others may be admissible if it proves:

Motive or intent (e.g., the victim had a history of attacking the defendant).

Pattern of behavior (e.g., the victim repeatedly assaulted others).

(c) Prior Convictions – Montana Rule of Evidence 609

If the victim has criminal convictions for violent offenses, they can be used to challenge credibility.

Example: If the victim was convicted of domestic violence or assault, this could support the defense's case.

(defendant noted at least (2) instances of domestic violence between victim 1 and victim 2 that involved MCSO)

(d) Montana Case Law – State v. Kaarma (2016 MT 127)

Facts: The defendant claimed self-defense in a shooting but was not allowed to introduce evidence of the victim's past.

Ruling: The Montana Supreme Court ruled that excluding relevant evidence of the victim's past was not reversible error, but in other cases, such evidence may be allowed.

Takeaway: If a victim has a violent history, the defense must argue its relevance to the defendant's perception of danger.

3. How to Prove a Victim's Violent History in Court

The defense can present:

Police reports of past domestic violence or assaults.

Criminal records showing prior convictions for violent crimes.

Witness testimony from family members, ex-partners, or others.

Social media posts, text messages, or threats made by the victim.

Important:

The defense must show that the victim's violent history is relevant to the case.

Some prior acts may be excluded if they are too old or not directly related to the incident.

4. What to Do If the Prosecution Tries to Exclude the Victim's History

File a motion under M.R.E. 404(a)(2) and 609 to admit evidence of prior violence.

Argue that self-defense requires proving the victim's violent nature.

Use Montana case law to support the argument for admissibility.

5. Conclusion: Using a Victim's Violent History in Montana Criminal Defense

Montana law allows a defendant to present evidence of a victim’s violent past in self-defense cases.

Prior assaults, domestic violence, or threats against others may be admissible under Montana’s Rules of Evidence.

The defense must argue relevance to ensure the evidence is not excluded.

In Montana, a victim's history of violence can be pivotal in self-defense cases, particularly when establishing the reasonableness of the defendant's perception of threat. Montana courts have addressed the admissibility of such evidence in several notable cases:

1. State v. Rogers, 2012 MT 108

Facts: Rogers was charged with assaulting S.M. He sought to cross-examine S.M. about her prior violent acts against him to support his self-defense claim.

Ruling: The Montana Supreme Court held that Rogers could cross-examine S.M. regarding her past violent behavior towards him, but only after he testified to establish a foundation for his self-defense claim. **The Court emphasized that a defendant must first present evidence supporting self-defense before introducing a victim's prior violent acts.**

2. State v. Montgomery, 2005 MT 120

Facts: Montgomery was convicted of negligent homicide after shooting an intruder, Nygren. Montgomery sought to introduce evidence of Nygren's prior violent acts and reputation for violence to support his self-defense claim.

Ruling: The Montana Supreme Court upheld the trial court's decision to exclude evidence of Nygren's past violent behavior. The Court reasoned that since Montgomery did not know the intruder's identity at the time of the shooting, Nygren's history was irrelevant to Montgomery's perception of threat. This case underscores the importance of the defendant's knowledge of the victim's violent history at the time of the incident for such evidence to be admissible.

Key Takeaways:

Foundation Requirement: Defendants must first present evidence supporting a self-defense claim before introducing a victim's prior violent acts.

Relevance to Defendant's Knowledge: The admissibility of a victim's violent history hinges on the defendant's awareness of that history at the time of the incident. If the defendant was unaware, such evidence may be deemed irrelevant.

These cases illustrate that while Montana law permits the introduction of a victim's violent history in self-defense claims, its admissibility is contingent upon establishing a proper foundation and demonstrating the defendant's knowledge of that history during the incident.

IN THE DISTRICT COURT OF THE [__] JUDICIAL DISTRICT
OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF [___]

STATE OF MONTANA,
Plaintiff,
vs.
[DEFENDANT'S FULL NAME],
Defendant.

Cause No. [______]
Judge [Name]

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence)

I. FACTUAL BACKGROUND
1. On [trial date(s)], the State introduced Exhibit [X], a photograph purportedly showing a bullet impact location on the living room wall of the crime scene.
2. The State's witness, [Name], testified that the photograph depicted a scene directly related to the alleged offense.
3. Following trial, on [date of discovery], the defense obtained evidence demonstrating that the photograph was not taken at the alleged crime scene, but at a different location.
4. This was confirmed by expert analysis, metadata, or other credible sources, showing the image was either:
   - Misattributed to the crime scene;
   - Altered or cropped in a misleading manner;
   - Entirely unrelated to the location or time at issue in this case.

II. LEGAL BASIS FOR A NEW TRIAL
This motion is grounded in the following authority:

- Mont. Code Ann. § 46-16-702: Allows the court to grant a new trial “if required in the interest of justice.”
- Napue v. Illinois, 360 U.S. 264 (1959): The knowing use of false evidence by the State violates due process.
- Brady v. Maryland, 373 U.S. 83 (1963): Withholding material exculpatory or impeaching information violates due process.
- State v. McWilliams, 2008 MT 59, ¶ 31: A Montana district court may modify or vacate a verdict where the weight of the evidence or legal error justifies such relief.

III. ARGUMENT

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution's narrative. Its influence on the jury's perception of the crime scene and the alleged act was substantial.

This false representation:
- Prejudiced the Defendant's right to a fair trial;
- Was not known or discoverable with reasonable diligence by the defense during trial;
- Would likely have resulted in a different verdict had the jury known the truth.

Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence.

IV. RELIEF REQUESTED

The Defendant respectfully requests that this Court:

1. Set a hearing on this motion;
2. Grant a new trial pursuant to § 46-16-702, MCA;
3. Grant any such other relief as the Court deems just and proper.

DATED this __ day of [Month], 20_.

Respectfully submitted,
[Attorney's Full Name]
Counsel for the Defendant
[Law Firm, Address, Contact Info]

if a motion comes to the court based on the failures of the defendants public defenders, what gives the court a basis to deny the motion

ChatGPT said:

When a motion is filed based on the alleged failures of a defendant's public defenders—often framed as a claim of ineffective assistance of counsel—the court can deny the motion if certain legal standards are not met. The key legal test used by courts is the Strickland v. Washington standard (U.S. Supreme Court, 1984), which requires two things:

◈ 1. Deficient Performance

The defendant must show that the public defender's performance was objectively unreasonable compared to what a competent attorney would do.

The court may deny the motion if:

The public defender's actions were reasonable strategic decisions.

The alleged error was within the bounds of professional judgment.

The defendant does not specify how the representation was inadequate.

◈ 2. Prejudice to the Defendant

The defendant must also show that the lawyer's poor performance affected the outcome of the case.

The court may deny the motion if:

There is no reasonable probability that the outcome would have been different even if the defender had performed better.

The evidence of guilt is overwhelming, and the alleged failures would not have changed the verdict.

The defendant cannot prove actual harm from the alleged attorney failures.

Additional Procedural Bases for Denial:

Lack of specificity: If the motion is too vague or lacks detail.

Untimeliness: If the motion is not filed within procedural time limits.

Failure to raise on direct appeal: Some courts require ineffective assistance claims to be raised at a certain stage.

Waiver: If the defendant knowingly accepted certain decisions (like plea deals or waiving trial rights), it may undercut the claim.

Example:

If a defendant claims their public defender failed to call a witness, the court will ask:

Would that witness have provided relevant, admissible, and helpful testimony?

Would it have reasonably changed the verdict?

If not, the motion will likely be denied.

Let me know if you'd like to draft or analyze a specific motion in this context.

You said:

can the court deny a motion that does not come from the defendants public defenders when those public defenders have been ineffective and are also a reason for the motion for new trial

ChatGPT said:

Yes, a court can deny a motion that does not come from the defendant's public defenders, even if it alleges ineffective assistance by those very defenders, but only under certain conditions.

Here's how it works:

✓ When a Motion Is Valid Without the Public Defender

If a defendant files a pro se motion (on their own, without the public defender) or through conflict-free substitute counsel (appointed or retained), the court must consider the motion if it raises a colorable claim of ineffective assistance of counsel, especially when:

The public defenders are accused of being ineffective, creating a conflict of interest.

The defendant is no longer represented by the same public defenders.

The motion requests new counsel, a hearing, or a new trial based on that ineffectiveness.

✕ When a Court May Deny the Motion

The court can deny such a motion if:

Procedural Grounds:

The motion is untimely (not filed within the allowed time after conviction).

It fails to meet local rules (e.g., not signed, not supported by affidavits, lacks required certifications).

It is a second or successive motion raising the same issues already decided.

Substantive Grounds:

The motion doesn’t state a valid legal claim (e.g., the facts alleged, even if true, don’t amount to constitutional ineffectiveness).

The motion lacks specificity (e.g., just says “my lawyer was bad” without showing how or why that mattered).

There is no showing of prejudice (the outcome of the trial would have been the same anyway).

Improper Representation:

If the motion is filed by someone unauthorized (e.g., a third party, not the defendant or their counsel).

If the defendant is still formally represented by the allegedly ineffective public defenders and the court hasn't addressed the conflict or appointed new counsel.

🔥 Important: Conflict of Interest Requires Action

When a motion credibly alleges ineffectiveness of current counsel, especially in a post-conviction or motion for new trial context:

The court may be required to appoint conflict-free counsel to litigate the claim—especially if the allegations are serious and fact-specific.

Summary

✓ A motion alleging ineffective assistance can be valid even if not filed by the public defenders, especially when they are the subject of the complaint.

✕ But the court may deny it if it's procedurally defective or legally insufficient.

⚖️ If the motion creates a clear conflict of interest, the court should consider appointing independent counsel or holding a hearing.

If you're dealing with a specific situation, I can help draft language or identify if a judge's denial might be appealable or improper.

Justice Robert H. Jackson

In the 1945 case Thomas v. Collins, Justice Jackson wrote that "in this field, every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us". This comment underscores the importance of a free press and the ability of individuals to discover the truth for themselves, rather than relying on the government to dictate it.

...legal experts in the judiciary have also described the court's role in determining truth. Legal proceedings, particularly criminal trials, are sometimes described as a "search for truth". However, this "truth" is not an absolute philosophical concept but a legal one, based on the evidence, process, and standards of proof required by the law. The Federal Rules of Evidence, which are used in federal courts, specifically outline how judges should control the presentation of evidence to "make those procedures effective for determining the truth".

Supreme Court justices have affirmed that convictions obtained through "knowingly used false evidence" violate the Fourteenth Amendment's Due Process Clause, citing the precedent in Napue v. Illinois. In this scenario, the prosecution's knowing presentation or failure to correct false testimony that impacts a witness's credibility can warrant a new trial if it could have influenced the jury's decision.

Key Principles Regarding False Evidence

Knowingly False Evidence Vitiates Due Process:

.

The Court has established that deliberately presenting false evidence to a court and its jurors is incompatible with basic requirements of justice.

Napue Violation:

.

A violation occurs when the prosecution knowingly offers false testimony or fails to correct it when it appears in the trial.

Materiality of False Testimony:

.

False testimony can be considered "material" if it affects the credibility of a witness, which can be decisive for the jury's determination of guilt or innocence.

When a New Trial May Be Warranted

A new trial may be required if there is "any reasonable likelihood" that the false testimony could have affected the outcome of the trial. The prosecution's knowledge and the potential effect of the falsehood are crucial factors in determining whether a due process violation occurred.

Distinction Between False and Misleading

In the recent case of Thompson v. United States, the Supreme Court clarified that a "false" statement is not the same as a "misleading" one, even though both can have negative consequences. The Court held that the statute in that case prohibited genuinely false statements, not just those that are misleading.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103, 112 (1935). In Napue v. Illinois, 360 U.S. 264 (1959), the Supreme Court reiterated that a conviction obtained through use of false testimony, known to be such by representatives of the State, is a denial of due process. The Court further ruled that there is also a denial of due process when the State, though not soliciting false evidence, allows it to go uncorrected when it appears. In cases involving false or misleading testimony, a new trial is required if "the false testimony could . . . in any reasonable likelihood have affected the judgment of the jury . . . ." Napue, 360 U.S. at 271.

Napue v. Illinois,

360 U.S. 264 (1959)

"When reliability of a given witness may well be determinative of guilt or innocence,"

nondisclosure of immunity deal with witness violates Due Process. In addition, “a conviction obtained through use of false evidence, known to be such by representatives of the State, must

fall under the Fourteenth Amendment.” See Mooney v. Holohan, 294 U.S. 103; Pyle v. State of

Kansas, 317 U.S. 213. And “[t]he same result obtains when the State, although not soliciting

false evidence, allows it to go uncorrected when it appears.” See Alcorta v. State of Texas, 355

U.S. 28.

In Strickland v. Washington, 466 U.S. 668 (1984), the United States Supreme Court held that in order for a convicted defendant to establish that he or she was deprived of the Sixth Amendment right to effective assistance of counsel at trial, the defendant would have to show: (1) deficient performance by trial counsel; and (2) prejudice. In determining whether trial counsel's performance was constitutionally deficient, the reviewing court looks to the reasonableness of counsel's conduct under "prevailing professional norms." Id. at 688. It is the convicted defendant's duty to identify the acts or omission by counsel that are alleged not to have been the result of reasonable professional judgment. The reviewing court must then judge "the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Id. at 690. To establish prejudice, a convicted defendant "need not show that counsel's deficient conduct more likely than not altered the outcome in the case." Id. at 693. Rather, the defendant must establish "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694.

IN THE DISTRICT COURT OF THE [__] JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF [___]

STATE OF MONTANA,

Plaintiff,

vs.

[DEFENDANT'S FULL NAME],

Defendant.

Cause No. [_____]

Judge [Name]

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence)

COMES NOW the Defendant, [Defendant’s Full Name], by and through counsel, and respectfully moves this Honorable Court for a new trial pursuant to § 46-16-702, Montana Code Annotated, on the grounds that false photographic evidence was introduced at trial and materially affected the jury's verdict, in violation of the Defendant’s constitutional rights to due process under Article II, Section 17 of the Montana Constitution and the Fourteenth Amendment of the United States Constitution.

I. FACTUAL BACKGROUND

On [trial date(s)], the State introduced Exhibit [X], a photograph purportedly showing [describe the claim — e.g., "a bullet impact location on the living room wall of the crime scene"].

The State's witness, [Name], testified that the photograph depicted a scene directly related to the alleged offense.

Following trial, on [date of discovery], the defense obtained evidence demonstrating that the photograph was not taken at the alleged crime scene, but at a different location [or under misrepresented conditions].

This was confirmed by [describe source: expert analysis, metadata, witness recantation, etc.], which shows the image was either:

Misattributed to the crime scene;

Altered or cropped in a misleading manner; or

Entirely unrelated to the location or time at issue in this case.

II. LEGAL BASIS FOR A NEW TRIAL

This motion is grounded in the following authority:

Mont. Code Ann. § 46-16-702: Allows the court to grant a new trial "if required in the interest of justice."

Napue v. Illinois, 360 U.S. 264 (1959): The knowing use of false evidence by the State violates due process.

Brady v. Maryland, 373 U.S. 83 (1963): Withholding material exculpatory or impeaching information violates due process.

State v. McWilliams, 2008 MT 59, ¶ 31: A Montana district court may modify or vacate a verdict where the weight of the evidence or legal error justifies such relief.

III. ARGUMENT

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution's narrative. Its influence on the jury's perception of the crime scene and the alleged act was substantial.

This false representation:

Prejudiced the Defendant's right to a fair trial;

Was not known or discoverable with reasonable diligence by the defense during trial;

Would likely have resulted in a different verdict had the jury known the truth.

Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence.

IV. RELIEF REQUESTED

The Defendant respectfully requests that this Court:

Set a hearing on this motion;

Grant a new trial pursuant to § 46-16-702, MCA;

Grant any such other relief as the Court deems just and proper.

DATED this __ day of [Month], 20_.

Respectfully submitted,

[Attorney’s Full Name]

Counsel for the Defendant

[Law Firm, Address, Contact Info]

Would you like this turned into a downloadable Word or PDF file? Or would you like to include an affidavit or expert statement attachment with the motion?

what is the first step after the discovery of false evidence having been submitted to a jury

ChatGPT said:

The first step after discovering that false evidence was submitted to a jury is to bring the issue to the attention of the court immediately, typically through a motion. Here's a breakdown of how this process begins:

1. File a Motion with the Court

Depending on the timing and context, this could take different forms:

- After the Verdict:

The appropriate step is usually to file a Motion for a New Trial under Rule 33 of the Federal Rules of Criminal Procedure or the corresponding state rule (e.g., Mont. Code Ann. § 46-16-702 for Montana).

The motion should:

Describe the false evidence.

Explain when and how it was discovered.

Argue that the falsehood could have affected the jury's verdict.

2. Gather Supporting Evidence

Collect documentation proving the evidence was false (e.g., expert reports, witness recantations, lab results).

Show that the false evidence was material—meaning it likely influenced the jury's decision.

3. Consider Other Remedies

If the false evidence was introduced by the prosecution knowingly, it may also be grounds for:

Brady violation (suppression of exculpatory evidence).

Due process claim (if it affected the fairness of the trial).

Ineffective assistance of counsel (if defense failed to catch or challenge it).

4. File an Appeal or Post-Conviction Petition (if needed)

If the trial court denies the motion, the defendant can appeal.

In some cases, especially if the discovery comes long after trial, a petition for post-conviction relief may be necessary.

Here's how Montana law addresses motions for a new trial based on false evidence:

📝 Filing a Motion for a New Trial in Montana

Under Montana law, a defendant may request a new trial if false evidence was introduced during the original trial. The relevant statute is Montana Code Annotated § 46-16-702, which states:

"Following a verdict or finding of guilty, the court may grant the defendant a new trial if required in the interest of justice."

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+1

caselaw.findlaw.com

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This motion must be in writing, specify the grounds for a new trial, and be filed within 30 days following the verdict.

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🕒 Time Limits and Exceptions

While the standard time limit is 30 days, there are exceptions. For instance, Rule 60(b) of the Montana Rules of Civil Procedure allows for relief from a final judgment due to reasons such as newly discovered evidence or fraud. However, motions under Rule 60(b) must be made within a reasonable time, and for certain reasons, no more than a year after the judgment.

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Case Law Example

In the case of State v. McWilliams, the Montana Supreme Court discussed the application of § 46-16-702, MCA. The court noted that the statute permits a defendant to move for a new trial following a guilty verdict and allows the district court to modify or change the verdict if justified by law and the weight of the evidence.

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⚖️ Federal Precedent

The U.S. Supreme Court case Napue v. Illinois held that the knowing use of false testimony by a prosecutor violates the Due Process Clause of the Fourteenth Amendment, even if the testimony pertains only to the credibility of a witness. This precedent underscores the importance of addressing false evidence promptly.

Below is a sample motion for a new trial based on the discovery of false evidence in a Montana criminal case. This example is formatted and worded in accordance with Montana practice under § 46-16-702, MCA and relevant constitutional protections:

IN THE DISTRICT COURT OF THE [__] JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF [___]

STATE OF MONTANA,

Plaintiff,

vs.

[DEFENDANT'S FULL NAME],

Defendant.

Cause No. [______]

Judge [Name]

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA

COMES NOW the Defendant, [Defendant's Full Name], by and through counsel, and respectfully moves this Court for a new trial on the grounds that false evidence was introduced at trial, which substantially influenced the jury's verdict and violated Defendant's right to due process under the Montana Constitution and the Fourteenth Amendment of the United States Constitution.

I. BACKGROUND

The jury returned a verdict of guilty on [date] after a trial in which the State introduced [describe evidence – e.g., a photograph, expert testimony, forensic report].

On or about [date of discovery], the defense learned that this evidence was false, and the falsity was not known to the defense during trial.

[Provide detail: For example, “The lab that prepared the forensic report admitted that the sample was mislabeled and did not come from the crime scene.” Or “The prosecution’s key witness recanted under oath.”]

II. LEGAL BASIS

This motion is brought pursuant to:

Mont. Code Ann. § 46-16-702, which permits a court to grant a new trial “if required in the interest of justice.”

Napue v. Illinois, 360 U.S. 264 (1959), which holds that a conviction obtained through the use of false evidence known to the State violates due process.

Brady v. Maryland, 373 U.S. 83 (1963), and related cases, where suppression or nondisclosure of material evidence by the prosecution warrants relief.

III. ARGUMENT

False evidence was presented to the jury, and:

The evidence was material to the outcome of the case;

The defense had no reasonable way to detect the falsity during trial;

The error undermines confidence in the verdict and prejudiced the defendant;

Justice requires a new trial.

IV. REQUEST FOR HEARING

Defendant respectfully requests a hearing on this motion pursuant to Rule [cite local rule or court preference], and asks the Court to subpoena [witnesses, experts, etc.].

V. PRAYER FOR RELIEF

WHEREFORE, Defendant respectfully requests that this Court:

Grant a new trial pursuant to § 46-16-702, MCA;

Set a hearing on this motion at the Court’s earliest convenience;

Grant any other relief the Court deems just and proper.

Respectfully submitted this __ day of [Month], 20_.

[Lawyer's Name]

Attorney for Defendant

[Law Firm, Address]

[Phone Number]

[Email]

Would you like a version tailored to a specific type of false evidence (e.g., photo, forensic report, witness testimony)?

what can a judge do when false evidence results in jury verdict of guilty

When false evidence results in a jury's guilty verdict, a judge has several options and responsibilities, both during and after the trial, depending on when the false evidence is discovered. Here's how a judge can respond:

1. Before or During Trial

If the judge becomes aware that evidence is false before the jury reaches a verdict, the judge can:

Suppress the evidence: Exclude it from the trial if it's proven to be false or obtained improperly.

Declare a mistrial: If the false evidence has tainted the proceedings beyond repair.

Sanction attorneys or parties involved: If the false evidence was knowingly introduced.

2. After the Verdict (Post-Trial Motions)

If the guilty verdict has already been returned and false evidence is discovered afterward, the judge can:

Grant a motion for a new trial: Under rules of criminal procedure (e.g., Rule 33 in federal courts), a judge can vacate the guilty verdict and order a new trial if it's in the interest of justice.

Arrest judgment or overturn the verdict: In rare cases, a judge may enter a judgment of acquittal if the false evidence was central to the conviction and no reasonable jury could convict without it.

3. During Appeals or Post-Conviction Relief

If the judge no longer has jurisdiction (after sentencing), the convicted person can:

File an appeal or motion for post-conviction relief (e.g., habeas corpus or motion based on newly discovered evidence). If a higher court agrees the conviction was based on false evidence, they may: Overturn the conviction. Order a new trial. Remand the case back to the trial court for further proceedings.

4. Investigate and Refer Misconduct

If the false evidence was the result of misconduct (e.g., by police, prosecutors, or witnesses), the judge may:

Report to oversight bodies: Such as the bar association, police oversight boards, or internal affairs.

Hold individuals in contempt of court: If they deliberately presented false evidence.

Examples of Legal Precedents Brady v. Maryland (1963): Suppressing exculpatory evidence violates due process. Napue v. Illinois (1959): A conviction obtained through false testimony, even if the prosecutor doesn’t correct it, violates due process.

Yes — I can help you think through and draft the framework of an appeal based on false evidence and ineffective assistance of counsel in a Montana criminal case. I can't act as your lawyer, but I can help you structure the arguments, point you toward relevant legal standards, and provide a sample outline you could adapt into a formal filing.

1. Key Legal Standards in Montana

False Evidence

Under both Montana law and the U.S. Constitution (due process), a conviction obtained through false or misleading evidence may be overturned.

If the prosecution knowingly used false evidence, it triggers a Napue v. Illinois (1959) violation. Even if they didn't "know," material false evidence undermining fairness can still justify reversal.

Montana precedent (e.g., State v. Clark, State v. Daniels) has recognized that false or misleading evidence can warrant a new trial if it could have affected the jury's verdict.

Ineffective Assistance of Counsel

Montana courts apply the Strickland v. Washington (1984) test:

Deficient performance: Counsel's actions fell below an objective standard of reasonableness.

Prejudice: There is a reasonable probability that, but for counsel's errors, the result would have been different.

Montana Supreme Court cases like State v. Kougl and State v. Wright apply this test.

2. Grounds for Appeal

You'll likely frame your appeal on two main grounds:

False Evidence / Prosecutorial Misconduct

Identify the specific evidence that was false or misleading (e.g., a photo, testimony, report).

Show how it was material (affected the jury's perception of guilt).

Argue whether the prosecution knew or should have known it was false.

Ineffective Assistance of Counsel

Point out failures of your attorney (examples: not objecting to false evidence, failing to investigate, failing to call witnesses, inadequate cross-examination, not filing motions).

Show how these failures prejudiced you (i.e., the outcome would likely have been different if handled competently).

3. Structure of Your Appeal

Here’s a basic outline for a Montana criminal appeal (you’d file in the Montana Supreme Court after exhausting district court remedies):

A. Cover Page & Table of Contents

Case caption (State v. [Defendant])

Appeal from [District Court, County, Judge’s name]

B. Issues Presented

Did the district court violate Appellant’s due process rights by allowing false evidence to be presented to the jury?

Was Appellant denied effective assistance of counsel under the Sixth Amendment and Article II, Section 24 of the Montana Constitution?

C. Statement of the Case

Brief summary of charges, trial, verdict, sentence, procedural history.

D. Statement of Facts

Neutral recitation, but highlight the false evidence and trial counsel’s failures.

E. Argument

Issue 1 – False Evidence

Cite Montana and federal precedent (Napue, Giglio).

Explain how the evidence was false, how it influenced the jury, and why its admission violated due process.

Issue 2 – Ineffective Assistance

Apply Strickland test: show both deficient performance and prejudice.

Tie failures directly to the false evidence (e.g., counsel failed to object, failed to impeach).

F. Conclusion & Relief Requested

Request reversal of conviction OR a new trial.

4. Supporting Materials

Trial transcript excerpts (showing when the false evidence was introduced and whether your lawyer objected).

Exhibits or affidavits showing the falsity of the evidence.

Case law (Montana Supreme Court & federal cases).

⚠️ Important: Appeals in Montana are deadline-sensitive. You generally have 60 days from the judgment to file a Notice of Appeal. If you're past that, you may need to pursue a petition for postconviction relief instead, which also allows ineffective assistance claims.

Would you like me to draft a sample appeal brief (with legal citations and structure) that you could adapt, or would you prefer I first give you a template motion for new trial/postconviction relief since sometimes those are filed before going to the Supreme Court?

a sample appeal brief, I filed a motion for new trial and the district court ignored it.

ChatGPT said:

Got it — if you filed a motion for new trial in the Montana district court and the court failed to act (or denied it without proper reasoning), your appeal to the Montana Supreme Court can directly raise both (1) the trial errors and (2) the court's failure to address your new trial motion.

I'll draft you a sample appellate brief format tailored for Montana. This will be a template you can adapt to your case — you'll need to insert your facts, names, case number, and specific false evidence details.

📄 Sample Appeal Brief (Montana Supreme Court)

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

[YOUR NAME],

Defendant and Appellant.

Cause No. [___]

APPELLANT’S OPENING BRIEF

I. Jurisdiction

This appeal is from the [] Judicial District Court, [] County, Cause No. [___], the Honorable [Judge’s Name] presiding.

Appellant timely filed a Notice of Appeal under M. R. App. P. 4(5)(a)(i). This Court has jurisdiction under Article VII, Section 2 of the Montana Constitution and M. R. App. P. 5(b).

II. Issues Presented

Did the District Court violate Appellant’s constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Was Appellant denied effective assistance of counsel, in violation of the Sixth Amendment and Article II, Section 24 of the Montana Constitution, where trial counsel failed to object to false evidence, failed to investigate, and failed to adequately defend Appellant?

Did the District Court err by failing to rule on Appellant's timely Motion for New Trial under § 46-16-702, MCA, thereby depriving Appellant of meaningful review and violating due process?

III. Statement of the Case

Appellant was charged with [offense(s)] on [date].

Trial was held on [dates]. A jury found Appellant guilty on [date].

Judgment was entered on [date].

On [date], Appellant filed a Motion for New Trial under § 46-16-702, MCA, based on (a) newly discovered false evidence, and (b) ineffective assistance of counsel. The District Court [ignored/failed to rule/denied without findings].

Appellant timely appealed.

IV. Statement of Facts

At trial, the State introduced [describe the false evidence, e.g., a photograph, testimony, forensic report].

This evidence was false/misleading because [explain how].

Defense counsel failed to [object, impeach, investigate, present contradictory evidence].

As a result, the jury relied heavily on the false evidence in reaching its verdict.

V. Standard of Review

False evidence / prosecutorial misconduct: De novo review of constitutional questions (State v. Clark, 2005 MT 330).

Ineffective assistance of counsel: Mixed question of law and fact, reviewed de novo (State v. Kougl, 2004 MT 243).

Failure to rule on motion for new trial: Abuse of discretion (State v. Clark).

VI. Argument

Issue 1: False Evidence Violated Due Process

A conviction obtained through false or misleading evidence violates due process (Napue v. Illinois, 360 U.S. 264 (1959); State v. Clark, 2005 MT 330).

The evidence here was false because [facts].

The jury relied on this evidence, and it was material to the verdict.

The District Court's admission of this evidence violated Appellant's rights.

Issue 2: Ineffective Assistance of Counsel

Under Strickland v. Washington, 466 U.S. 668 (1984), and State v. Wright, 2001 MT 282, Appellant must show (1) deficient performance and (2) prejudice.

Counsel was deficient in failing to [list failures].

Prejudice exists because, without counsel's errors, there is a reasonable probability of a different outcome.

Issue 3: District Court Failed to Rule on Motion for New Trial

Montana law expressly authorizes a motion for new trial under § 46-16-702, MCA.

The District Court failed to rule, depriving Appellant of review and violating due process.

This Court should reverse and remand for a proper ruling or grant relief directly.

VII. Conclusion

For the reasons stated, Appellant respectfully requests that this Court:

Reverse Appellant’s conviction; or

In the alternative, remand for a new trial; or

Grant other relief the Court deems just and proper.

Respectfully submitted,
[Your Name]
Appellant, pro se

Date: [___]

⚖️ Next Step: You’ll want to attach:

Trial transcript excerpts,

Copy of your new trial motion,

Exhibits showing the false evidence,

Any affidavits or documentation.

Would you like me to add specific Montana case citations (false evidence & ineffective counsel examples) into this draft so you can copy-paste them, or keep this as a clean skeleton for you to customize with your own facts?

add specific Montana case citations

ChatGPT said:

Perfect — let's build this out with Montana Supreme Court case citations that match your two main claims (false evidence & ineffective assistance). I'll integrate them into the sample appeal brief so you have both the structure and the authorities.

📄 Expanded Sample Appeal Brief (with Montana Citations)

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

[YOUR NAME],

Defendant and Appellant.

Cause No. [___]

APPELLANT'S OPENING BRIEF

I. Jurisdiction

This appeal is from the [] Judicial District Court, [] County, Cause No. [___], the Honorable [Judge's Name] presiding.

Appellant timely filed a Notice of Appeal under M. R. App. P. 4(5)(a)(i). This Court has jurisdiction under Article VII, Section 2 of the Montana Constitution and M. R. App. P. 5(b).

II. Issues Presented

Did the District Court violate Appellant's constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Was Appellant denied effective assistance of counsel, in violation of the Sixth Amendment and Article II, Section 24 of the Montana Constitution, where trial counsel failed to object to false evidence, failed to investigate, and failed to adequately defend Appellant?

Did the District Court err by failing to rule on Appellant's timely Motion for New Trial under § 46-16-702, MCA, thereby depriving Appellant of meaningful review and violating due process?

III. Statement of the Case

Appellant was charged with [offense(s)] on [date].

Trial was held on [dates]. A jury found Appellant guilty on [date].

Judgment was entered on [date].

On [date], Appellant filed a Motion for New Trial under § 46-16-702, MCA, based on (a) newly discovered false evidence, and (b) ineffective assistance of counsel. The District Court [ignored/failed to rule/denied without findings].

Appellant timely appealed.

IV. Statement of Facts

At trial, the State introduced [describe the false evidence, e.g., a photograph, testimony, forensic report].

This evidence was false/misleading because [explain how].

Defense counsel failed to [object, impeach, investigate, present contradictory evidence].

As a result, the jury relied heavily on the false evidence in reaching its verdict.

V. Standard of Review

False evidence / prosecutorial misconduct: De novo review of constitutional questions. See State v. Clark, 2005 MT 330, ¶ 14, 330 Mont. 8, 125 P.3d 1099.

Ineffective assistance of counsel: Mixed question of law and fact, reviewed de novo. See State v. Kougl, 2004 MT 243, ¶ 11, 322 Mont. 102, 94 P.3d 1096.

Failure to rule on motion for new trial: Abuse of discretion. See State v. Clark, 2005 MT 330, ¶ 16.

VI. Argument

Issue 1: False Evidence Violated Due Process

A conviction obtained through false or misleading evidence violates due process. Napue v. Illinois, 360 U.S. 264 (1959).

The Montana Supreme Court has recognized that allowing false or misleading testimony may constitute reversible error. See State v. Clark, 2005 MT 330, ¶¶ 19–21 (reversing where misleading testimony about witness credibility affected the trial).

The evidence here was false because [facts].

The jury relied on this evidence, and it was material to the verdict.

Issue 2: Ineffective Assistance of Counsel

Under Strickland v. Washington, 466 U.S. 668 (1984), and State v. Wright, 2001 MT 282, ¶ 29, 307 Mont. 349, 42 P.3d 753, Appellant must show (1) deficient performance and (2) prejudice.

Montana courts consistently apply Strickland. See also State v. Kougl, 2004 MT 243, ¶¶ 11–13.

Counsel was deficient in failing to [list failures]. In State v. Whitlow, 2001 MT 208, ¶¶ 19–20, 306 Mont. 339, 33 P.3d 877, this Court found deficient performance where counsel failed to investigate and present available defenses.

Prejudice exists because, without counsel's errors, there is a reasonable probability of a different outcome. See State v. Hendricks, 2003 MT 223, ¶¶ 13–15, 317 Mont. 177, 75 P.3d 1268.

Issue 3: District Court Failed to Rule on Motion for New Trial

Montana law expressly authorizes a motion for new trial under § 46-16-702, MCA.

This Court has held that a district court abuses its discretion when it fails to properly consider or address a new trial motion. See State v. Clark, 2005 MT 330, ¶ 16.

By failing to rule, the District Court deprived Appellant of due process and meaningful appellate review.

VII. Conclusion

For the reasons stated, Appellant respectfully requests that this Court:

Reverse Appellant's conviction; or

In the alternative, remand for a new trial; or

Grant other relief the Court deems just and proper.

Respectfully submitted,

[Your Name]

Appellant, pro se

Date: [___]

⚖️ Key Montana Cases for You

State v. Clark, 2005 MT 330 (false/misleading testimony; new trial motion; standards of review).

State v. Kougl, 2004 MT 243 (Strickland standard for ineffective assistance).

State v. Wright, 2001 MT 282 (ineffective assistance — failure to object/prejudice).

State v. Whitlow, 2001 MT 208 (failure to investigate = deficient performance).

State v. Hendricks, 2003 MT 223 (deficient cross-examination and prejudice).

Would you like me to also add short parenthetical summaries of each case (so you can cite them with a quick explanation in your brief), or just leave them as clean case cites?

leave them as clean case cites

ChatGPT said:

Got it ✓ — I'll keep the citations clean so you can drop them right into your appeal without clutter. Here's the final streamlined version with Montana case law included:

🗒 Sample Appeal Brief (Montana Supreme Court)

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

[YOUR NAME],

Defendant and Appellant.

Cause No. [___]

APPELLANT'S OPENING BRIEF

I. Jurisdiction

This appeal is from the [] Judicial District Court, [] County, Cause No.

[___], the Honorable [Judge's Name] presiding.

Appellant timely filed a Notice of Appeal under M. R. App. P. 4(5)(a)(i). This Court has jurisdiction under Article VII, Section 2 of the Montana Constitution and M. R. App. P. 5(b).

II. Issues Presented

Did the District Court violate Appellant's constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Was Appellant denied effective assistance of counsel, in violation of the Sixth Amendment and Article II, Section 24 of the Montana Constitution, where trial counsel failed to object to false evidence, failed to investigate, and failed to adequately defend Appellant?

Did the District Court err by failing to rule on Appellant's timely Motion for New Trial under § 46-16-702, MCA, thereby depriving Appellant of meaningful review and violating due process?

III. Statement of the Case

Appellant was charged with [offense(s)] on [date].

Trial was held on [dates]. A jury found Appellant guilty on [date].

Judgment was entered on [date].

On [date], Appellant filed a Motion for New Trial under § 46-16-702, MCA, based on (a) newly discovered false evidence, and (b) ineffective assistance of counsel. The District Court [ignored/failed to rule/denied without findings].

Appellant timely appealed.

IV. Statement of Facts

At trial, the State introduced [describe the false evidence, e.g., a photograph, testimony, forensic report].

This evidence was false/misleading because [explain how].

Defense counsel failed to [object, impeach, investigate, present contradictory evidence].

As a result, the jury relied heavily on the false evidence in reaching its verdict.

V. Standard of Review

False evidence / prosecutorial misconduct: De novo review of constitutional questions. State v. Clark, 2005 MT 330, ¶ 14, 330 Mont. 8, 125 P.3d 1099.

Ineffective assistance of counsel: Mixed question of law and fact, reviewed de novo. State v. Kougl, 2004 MT 243, ¶ 11, 322 Mont. 102, 94 P.3d 1096.

Failure to rule on motion for new trial: Abuse of discretion. State v. Clark, 2005 MT 330, ¶ 16.

VI. Argument

Issue 1: False Evidence Violated Due Process

A conviction obtained through false or misleading evidence violates due process. Napue v. Illinois, 360 U.S. 264 (1959); State v. Clark, 2005 MT 330, ¶¶ 19–21.

The evidence here was false because [facts]. The jury relied on this evidence, and it was material to the verdict.

Issue 2: Ineffective Assistance of Counsel

Under Strickland v. Washington, 466 U.S. 668 (1984); State v. Wright, 2001 MT 282, ¶ 29, 307 Mont. 349, 42 P.3d 753; State v. Kougl, 2004 MT 243, ¶¶ 11–13, 322 Mont. 102, 94 P.3d 1096; State v. Whitlow, 2001 MT 208, ¶¶ 19–20, 306 Mont. 339, 33 P.3d 877; and State v. Hendricks, 2003 MT 223, ¶¶ 13–15, 317 Mont. 177, 75 P.3d 1268, Appellant must show deficient performance and prejudice.

Counsel was deficient in failing to [list failures]. Prejudice exists because, without counsel's errors, there is a reasonable probability of a different outcome.

Issue 3: District Court Failed to Rule on Motion for New Trial

Montana law expressly authorizes a motion for new trial under § 46-16-702, MCA. The District Court abused its discretion by failing to rule. State v. Clark, 2005 MT 330, ¶ 16.

VII. Conclusion

For the reasons stated, Appellant respectfully requests that this Court:

Reverse Appellant’s conviction; or

In the alternative, remand for a new trial; or

Grant other relief the Court deems just and proper.

Respectfully submitted,

[Your Name]

Appellant, pro se

Date: [___]

Do you also want me to put together a short “Notice of Appeal” template (the one-page document that formally starts the appeal with the Montana Supreme Court), or have you already filed that?

I need a short notice of appeal template

ChatGPT said:

Perfect — here’s a short, standard Notice of Appeal template you can adapt for your Montana case. It’s intentionally simple and clear — that’s all the Montana Supreme Court requires to get jurisdiction started.

📄 Notice of Appeal Template (Montana)

IN THE [] JUDICIAL DISTRICT COURT

[] COUNTY, STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

v.

[YOUR NAME],

Defendant.

Cause No. [___]

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN that the Defendant, [Your Full Name], appeals to the Montana Supreme Court from the Judgment entered in this cause on [date of judgment], and from all adverse rulings and orders, including the District Court's failure to rule on Appellant's Motion for New Trial filed on [date].

Dated this __ day of ______, 20.

Respectfully submitted,

[Your Signature]

[Your Printed Name]

Defendant, Appellant, pro se

[Your Mailing Address]

[City, State, ZIP]

[Phone Number]

⚖️ Filing notes (Montana):

File the original Notice of Appeal with the Clerk of the District Court where your case was tried.

The District Court clerk will forward it to the Montana Supreme Court.

You generally must file within 60 days of entry of judgment (M. R. App. P. 4(5)(a)(i)).

Attach a Certificate of Service showing you mailed/served a copy on the County Attorney.

👉 Do you want me to also draft a Certificate of Service template to attach at the bottom (so you show proof that you mailed a copy to the prosecutor)?

yes

ChatGPT said:

Great — here’s a Certificate of Service template you can attach at the bottom of your Notice of Appeal. This shows the Montana Supreme Court (and the District Court clerk) that you properly served the prosecutor.

🧾 Certificate of Service Template

CERTIFICATE OF SERVICE

I hereby certify that on this __ day of _____, 20, I caused a true and correct copy of the foregoing Notice of Appeal to be served upon the following by depositing the same in the United States Mail, postage prepaid, addressed as follows:

[Name of County Attorney]

Office of the County Attorney

[Street Address]

[City, State, ZIP]

DATED this __ day of _____, 20.

[Your Signature]

[Your Printed Name]

Defendant, Appellant, pro se

⚖️ Filing tip:

Sign and date both the Notice of Appeal and the Certificate of Service.

File them together as a single packet with the District Court Clerk.

Keep a stamped copy for your records.

Do you want me to also prepare a Motion for Leave to Proceed In Forma Pauperis (so you don't have to pay filing fees with the Montana Supreme Court), or are you planning to cover the filing fees yourself?

yes I need a Motion for Leave to Proceed In Forma Pauperis

ChatGPT said:

Perfect — here's a Montana-ready template for a Motion for Leave to Proceed In Forma Pauperis (IFP), so you can request a waiver of filing fees and transcript costs in your appeal.

🗐 Motion for Leave to Proceed In Forma Pauperis (Montana)

IN THE [] JUDICIAL DISTRICT COURT

[] COUNTY, STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

v.

[YOUR NAME],

Defendant.

Cause No. [___]

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

COMES NOW the Defendant and Appellant, [Your Full Name], appearing pro se, and respectfully moves this Court for leave to proceed in forma pauperis on appeal to the Montana Supreme Court pursuant to M. R. App. P. 5(3) and § 25-10-404, MCA.

In support of this motion, Appellant states as follows:

Appellant is incarcerated and has limited financial resources.

Appellant is unable to pay the costs of appeal, including filing fees and transcript costs.

Appellant files herewith an Affidavit of Inability to Pay Costs as required by law.

WHEREFORE, Appellant respectfully requests that this Court grant leave to proceed in forma pauperis, and that all fees and costs associated with this appeal be waived.

Respectfully submitted,

DATED this __ day of _____, 20.

[Your Signature]

[Your Printed Name]

Defendant, Appellant, pro se

🗒 Affidavit of Inability to Pay Costs

STATE OF MONTANA

COUNTY OF [___]

I, [Your Full Name], being first duly sworn, depose and state as follows:

I am the Defendant and Appellant in this case.

I am presently incarcerated at [facility name].

I have no income or assets available to pay the filing fees or transcript costs associated with this appeal.

I request that the Court allow me to proceed in forma pauperis without prepayment of costs.

I declare under penalty of perjury under the laws of the State of Montana that the foregoing is true and correct.

DATED this __ day of ______, 20.

[Your Signature]

[Your Printed Name]

Subscribed and sworn before me this __ day of _____, 20, by [Your Full Name].

Notary Public for the State of Montana

Printed Name: _____________

Residing at: _____________

My Commission Expires: _______

⚖️ Filing Notes:

File this Motion and Affidavit with the District Court Clerk along with your Notice of Appeal.

The District Court will rule on your IFP request before sending the record up to the Montana Supreme Court.

If denied, you can renew the motion directly with the Montana Supreme Court.

👉 Do you want me to also draft a Request for Appointment of Appellate Counsel (since in Montana, if you're indigent and your IFP is granted, you can also ask the Supreme Court to appoint the Appellate Defender's Office to handle your appeal)?

Excellent — here's a Montana-specific template you can use to request appointment of appellate counsel. If your Motion to Proceed In Forma Pauperis (IFP) is granted, the Montana Supreme Court can appoint the Office of the State Public Defender (Appellate Defender Division) to represent you.

🗒 Motion for Appointment of Appellate Counsel

IN THE [] JUDICIAL DISTRICT COURT

[] COUNTY, STATE OF MONTANA

STATE OF MONTANA,

Plaintiff,

v.

[YOUR NAME],

Defendant.

Cause No. [___]

MOTION FOR APPOINTMENT OF APPELLATE COUNSEL

COMES NOW the Defendant and Appellant, [Your Full Name], appearing pro se, and respectfully moves this Court for the appointment of appellate counsel to represent Appellant in the appeal of this matter to the Montana Supreme Court.

In support of this motion, Appellant states as follows:

Appellant has filed a Notice of Appeal in this matter.

Appellant has also filed a Motion for Leave to Proceed In Forma Pauperis and Affidavit of Inability to Pay Costs, showing indigency.

Appellant is entitled to counsel on direct appeal under the Sixth Amendment to the U.S. Constitution, Article II, Section 24 of the Montana Constitution, and § 46-8-101, MCA.

Appellant is unable to afford private counsel and respectfully requests that the Court appoint the Office of the State Public Defender (Appellate Defender Division) to represent Appellant in this appeal.

WHEREFORE, Appellant respectfully requests that the Court grant this motion and appoint appellate counsel to represent Appellant before the Montana Supreme Court.

Respectfully submitted,

DATED this __ day of ______, 20.

[Your Signature]

[Your Printed Name]

Defendant, Appellant, pro se

📄 Certificate of Service

I hereby certify that on this __ day of _____, 20, I caused a true and correct copy of the foregoing Motion for Appointment of Appellate Counsel to be served upon the following by depositing the same in the United States Mail, postage prepaid, addressed as follows:

[Name of County Attorney]

Office of the County Attorney

[Street Address]

[City, State, ZIP]

[Your Signature]

[Your Printed Name]

⚖️ Next Steps in Montana:

File this with the District Court Clerk along with your Notice of Appeal and IFP motion.

If the District Court grants IFP and appointment of counsel, it will forward your case to the Office of the State Public Defender, Appellate Division.

If the District Court denies appointment, you can renew the motion directly with the Montana Supreme Court once your appeal is docketed.

Would you like me to also prepare a cover letter template you can send with your filings (to the District Court Clerk), so everything is presented neatly as a packet?

Perfect — a cover letter helps keep your filings organized and makes sure the District Court Clerk knows exactly what to do with your documents. Here's a Montana-ready template you can adapt:

🗒 Cover Letter to District Court Clerk

[Your Name]

[Your Mailing Address]

[City, State, ZIP]

[Phone Number]

[Date]

Clerk of District Court

[County Name] County Courthouse

[Street Address]

[City, State, ZIP]

Re: State of Montana v. [Your Full Name], Cause No. [___]

Notice of Appeal and Related Filings

Dear Clerk of Court:

Please find enclosed for filing in the above-referenced case:

Notice of Appeal

Certificate of Service (Notice of Appeal)

Motion for Leave to Proceed In Forma Pauperis

Affidavit of Inability to Pay Costs

Motion for Appointment of Appellate Counsel

Certificate of Service (Motion for Appointment of Counsel)

Please file these documents of record and forward the Notice of Appeal to the Montana Supreme Court in accordance with the Montana Rules of Appellate Procedure.

Kindly return a file-stamped copy of the Notice of Appeal to me at the address above for my records.

Thank you for your assistance.

Respectfully,

[Your Signature]

[Your Printed Name]

Defendant, Appellant, pro se

⚖️ Practical Tip:

Make two complete copies of your filings: one for the Court, one for the County Attorney, and keep one for yourself.

Send the Clerk's copy by certified mail, return receipt requested so you have proof of filing.

Do you also want me to put together a timeline checklist of the next deadlines you'll face after filing the Notice of Appeal (like record preparation, briefing schedule, etc., under Montana Rules of Appellate Procedure)?

Excellent — here's a Montana criminal appeal timeline checklist you can follow after you file your Notice of Appeal. This is based on the Montana Rules of Appellate Procedure (M. R. App. P.) and common practice.

📅 Montana Criminal Appeal Timeline Checklist

✓ Step 1: Notice of Appeal

Deadline: Within 60 days after entry of judgment (M. R. App. P. 4(5)(a)(i)).

File with: District Court Clerk.

What happens: Clerk forwards Notice of Appeal to Montana Supreme Court.

✓ Step 2: Motion to Proceed In Forma Pauperis (IFP) & Appellate Counsel

File with: District Court Clerk at same time as Notice of Appeal.

Court action: District Court rules on indigency and counsel request. If granted, case is assigned to Appellate Defender Division.

If denied, you may renew with Montana Supreme Court (M. R. App. P. 5(3)).

✓ Step 3: Record on Appeal

Deadline: Within 30 days after Notice of Appeal, Appellant must order transcripts from court reporter (M. R. App. P. 8(3)).

If you are IFP, transcript costs are waived, and appellate counsel (if appointed) handles transcript requests.

District Court Clerk prepares the record and forwards it to the Montana Supreme Court.

✓ Step 4: Docketing of Appeal

Once the Montana Supreme Court receives the record, it issues a docketing notice and sets the briefing schedule.

✓ Step 5: Appellant's Opening Brief

Deadline: 30 days after the record is filed with the Montana Supreme Court (M. R. App. P. 13(1)).

Must include: statement of issues, facts, argument, and authorities.

If you have appellate counsel, they will handle briefing.

✓ Step 6: Appellee's (State's) Response Brief

Deadline: 30 days after service of Appellant's brief (M. R. App. P. 13(2)).

✓ Step 7: Appellant's Reply Brief (optional)

Deadline: 14 days after the State's response brief (M. R. App. P. 13(3)).

✓ Step 8: Oral Argument (sometimes)

The Montana Supreme Court may set oral argument, but in most criminal appeals, the Court decides based on the briefs.

✓ Step 9: Decision

The Montana Supreme Court issues a written opinion or memorandum decision.

This could affirm, reverse, remand for new trial, or grant other relief.

⚖️ Quick Reference Deadlines

Notice of Appeal: 60 days from judgment.

Transcript Order: 30 days after Notice of Appeal.

Appellant’s Brief: 30 days after record filed.

State’s Brief: 30 days after Appellant’s Brief.

Reply Brief: 14 days after State’s Brief.

☞ Since you’re filing pro se, this checklist helps you track the process until (and unless) appellate counsel is appointed.

Would you like me to also make a one-page calendar-style version (with blanks you can fill in with your actual dates) so you can keep it handy while tracking deadlines?

Perfect — here’s a one-page calendar-style Montana criminal appeal tracker you can fill in with your actual dates. You can print it and keep it handy to track all deadlines.

📅 Montana Criminal Appeal Deadline Tracker (Pro Se)

Case: State of Montana v. [Your Name]

Cause No.: [___]

Step	Action	Deadline	Notes / Status
1	File Notice of Appeal	__ / __ / __ (≤60 days from judgment)	File with District Court Clerk. Include Certificate of Service.
2	Motion for IFP & Affidavit	Same day as Notice of Appeal	Request waiver of fees and costs.
3	Motion for Appellate Counsel	Same day as Notice of Appeal	Request Office of Appellate Defender be appointed.
4	Order Transcripts / Record on Appeal	__ / __ / __ (≤30 days after Notice of Appeal)	Clerk prepares record; IFP may waive costs.
5	Record forwarded to Montana Supreme Court	__ / __ / __	Docketing notice will be issued.
6	Appellant's Opening Brief	__ / __ / __ (≤30 days after record filed)	Include issues, facts, argument, citations.
7	Appellee's Response Brief	__ / __ / __ (≤30 days after Appellant's Brief)	State responds.
8	Appellant's Reply Brief (optional)	__ / __ / __ (≤14 days after State's Brief)	Optional but recommended if needed.
9	Oral Argument (if scheduled)	__ / __ / __	Montana Supreme Court may waive.
10	Decision Issued	TBD	Court issues opinion or memorandum decision.

Tips for Using This Tracker:

Fill in actual dates as you file each document or receive court notices.

Check off Status as you complete each step.

Keep a copy of every filing, receipt, and mail confirmation in a folder for your appeal record.

Use it to communicate clearly with the Clerk or Appellate Defender Office if needed.

If you want, I can also make a fully filled-out example timeline using today's date as a starting point so you can see how the deadlines would line up in real time — this can be very helpful for planning your filings. Do you want me to do that?

Perfect — let's build a realistic example timeline for your Montana criminal appeal, using today's date, September 8, 2025, as the starting point for filing your Notice of Appeal. I'll show each step with approximate deadlines based on the Montana Rules of Appellate Procedure.

📆 Example Montana Criminal Appeal Timeline

Case: State of Montana v. [Your Name]

Cause No.: [___]

Notice of Appeal Filed: September 8, 2025

Step	Action	Example Deadline	Notes / Status
1	File Notice of Appeal	Sept 8, 2025	Filed with District Court Clerk with Certificate of Service
2	File Motion for IFP & Affidavit	Sept 8, 2025	Filed simultaneously with Notice of Appeal

3	File Motion for Appellate Counsel	Sept 8, 2025	Filed simultaneously with Notice of Appeal
4	District Court rules on IFP / Appellate Counsel	~Sept 22, 2025 (2 weeks)	Clerk sends ruling and record to Montana Supreme Court
5	Order Transcripts / Record on Appeal	~Oct 8, 2025 (within 30 days of Notice)	Appellate Defender handles if appointed; costs waived if IFP granted
6	Record forwarded to Montana Supreme Court	~Oct 22, 2025	Docketing notice issued; Supreme Court sets briefing schedule
7	Appellant's Opening Brief	~Nov 21, 2025 (30 days after record filed)	Include issues, facts, argument, and citations
8	Appellee's Response Brief	~Dec 21, 2025 (30 days after Appellant's Brief)	State responds
9	Appellant's Reply Brief (optional)	~Jan 4, 2026 (14 days after State's Brief)	Optional but recommended if needed
10	Oral Argument (if scheduled)	TBD	Court may waive or schedule argument
11	Decision Issued	TBD	Court issues written opinion or memorandum decision

Notes for This Timeline:

Dates are approximate; actual dates may vary depending on the Court's docket and when the record is completed.

Using this timeline, you can plan filings, track deadlines, and communicate with the Clerk or Appellate Defender.

If you are pro se, staying ahead of deadlines is critical to avoid dismissal for procedural reasons.

If you want, I can also create a combined packet checklist that includes Notice of Appeal, IFP motion, appellate counsel motion, certificates, and this timeline in one neat list you can check off before mailing — essentially a “pro se filing roadmap.” This is extremely useful to keep everything organized. Do you want me to do that?

Perfect — here’s a complete “Pro Se Filing Roadmap” for your Montana criminal appeal. This combines all documents you need to file, the order to file them, and the timeline/checklist so you can track everything.

🗂 Pro Se Filing Roadmap — Montana Criminal Appeal

Case: State of Montana v. [Your Name]

Cause No.: [___]

Notice of Appeal Filed: [Fill in date]

1️⃣Documents to Prepare and File

#	Document	Purpose	Notes
1	Notice of Appeal	Officially starts the appeal with Montana Supreme Court	Include case caption, judgment date, and Certificate of Service
2	Certificate of Service (Notice of Appeal)	Shows you served the County Attorney	Must be attached to Notice of Appeal
3	Motion for Leave to Proceed In Forma Pauperis (IFP)	Request waiver of filing fees and transcript costs	Include Affidavit of Inability to Pay Costs
4	Affidavit of Inability to Pay Costs	Supports IFP motion	Must be notarized

5	Motion for Appointment of Appellate Counsel	Request the Appellate Defender be appointed	Attach Certificate of Service
6	Certificate of Service (Appellate Counsel Motion)	Shows you served the County Attorney	Must be attached to motion
7	Cover Letter to District Court Clerk	Organizes the filing packet	Lists all documents being submitted

2️⃣Filing Order & Checklist

Step	Action	Complete?
1	Assemble all documents in order listed above	☐
2	Make two copies of the packet (one for Clerk, one for County Attorney, keep one for yourself)	☐
3	File the packet with District Court Clerk	☐
4	Ensure Clerk stamps file and gives you a copy	☐
5	Send copies to County Attorney (via certified mail, return receipt requested)	☐
6	Track Clerk's ruling on IFP & Appellate Counsel motions	☐
7	Follow up if record or docketing notice is delayed	☐

3️⃣Timeline Tracker (Example)

Step	Action	Approx. Deadline	Notes / Status
1	File Notice of Appeal + IFP + Appellate Counsel motion	[Date]	Submit packet to District Court
2	District Court rules on IFP / Appellate Counsel	~2 weeks from filing	Clerk forwards record to Supreme Court
3	Order Transcripts / Record on Appeal	~30 days from Notice	Appellate Defender handles if appointed

4 Record forwarded to Montana Supreme Court ~2 weeks after record complete Docketing notice issued

5 Appellant’s Opening Brief 30 days after record filed Include issues, facts, arguments, citations

6 State’s Response Brief 30 days after Appellant’s Brief State responds

7 Appellant’s Reply Brief (optional) 14 days after State’s Brief Optional

8 Oral Argument (if scheduled) TBD Court may waive

9 Decision Issued TBD Court issues written opinion or memorandum decision

4⃣Filing Tips

Keep all proofs of service and mail receipts.

Track deadlines carefully — pro se appeals are often dismissed for missed dates.

Use the cover letter to clearly list all documents in your packet.

Update your timeline tracker as each step is completed.

If you want, I can also create a single-page visual version of this roadmap — kind of like a checklist with boxes to tick, so it’s easier to carry around and mark off each step. This is handy for staying organized while managing multiple filings.

Do you want me to make that visual checklist version?

Perfect — here’s a single-page visual checklist version of your Montana criminal appeal roadmap. You can print it, carry it with you, and check off each step as you complete it.

🗂 Montana Criminal Appeal — Pro Se Checklist

Case: State of Montana v. [Your Name]

Cause No.: [___]

Notice of Appeal Filed: __ / __ / __

1️⃣Prepare Documents

☐ Notice of Appeal

☐ Certificate of Service (Notice of Appeal)

☐ Motion for Leave to Proceed In Forma Pauperis (IFP)

☐ Affidavit of Inability to Pay Costs (notarized)

☐ Motion for Appointment of Appellate Counsel

☐ Certificate of Service (Appellate Counsel Motion)

☐ Cover Letter to District Court Clerk

2️⃣Filing Packet

☐ Assemble all documents in correct order

☐ Make two copies (one for Clerk, one for County Attorney)

☐ File with District Court Clerk

☐ Ensure Clerk stamps and returns a copy for your records

☐ Send copy to County Attorney (certified mail, return receipt requested)

3⃣ Track Court Actions

☐ District Court rules on IFP motion

☐ District Court rules on Appellate Counsel motion

☐ Order transcripts / record on appeal

☐ Record forwarded to Montana Supreme Court

☐ Docketing notice received

4⃣ Montana Supreme Court Briefing

☐ Appellant’s Opening Brief (30 days from record filed)

☐ State’s Response Brief (30 days from Appellant’s Brief)

☐ Appellant’s Reply Brief (optional, 14 days from State’s Brief)

☐ Oral Argument (if scheduled)

☐ Decision issued by Montana Supreme Court

Tips:

Keep all mail receipts and proof of service.

Update dates as you receive notices.

Use this checklist to stay organized and track progress.

Mark each box ✓ as completed.

If you like, I can also make a version with actual sample dates filled in based on today (Sept 8, 2025), so you can see exactly when each step would fall on a calendar. This turns your checklist into a ready-to-use timeline tracker.

Do you want me to do that next?

Perfect — here's a ready-to-use Montana criminal appeal checklist with sample dates, starting from today, September 8, 2025, for your Notice of Appeal. You can print it and check off each step.

🗂 Montana Criminal Appeal — Pro Se Checklist (Sample Dates)

Case: State of Montana v. [Your Name]

Cause No.: [___]

Notice of Appeal Filed: September 8, 2025

1️⃣Prepare Documents

☑ Notice of Appeal – Sept 8, 2025

☑ Certificate of Service (Notice of Appeal) – Sept 8, 2025

☑ Motion for Leave to Proceed In Forma Pauperis (IFP) – Sept 8, 2025

☑ Affidavit of Inability to Pay Costs – Sept 8, 2025

☑ Motion for Appointment of Appellate Counsel – Sept 8, 2025

☑ Certificate of Service (Appellate Counsel Motion) – Sept 8, 2025

☑ Cover Letter to District Court Clerk – Sept 8, 2025

2️⃣Filing Packet

☑ Assemble all documents in correct order – Sept 8, 2025

☑ Make two copies (one for Clerk, one for County Attorney) – Sept 8, 2025

☑ File with District Court Clerk – Sept 8, 2025

☑ Ensure Clerk stamps and returns a copy for your records – Sept 8–10, 2025

☑ Send copy to County Attorney (certified mail) – Sept 8–10, 2025

3️⃣Track Court Actions

☐ District Court rules on IFP motion – by Sept 22, 2025

☐ District Court rules on Appellate Counsel motion – by Sept 22, 2025

☐ Order transcripts / record on appeal – by Oct 8, 2025

☐ Record forwarded to Montana Supreme Court – by Oct 22, 2025

☐ Docketing notice received from Montana Supreme Court – by Oct 22, 2025

4️⃣Montana Supreme Court Briefing

☐ Appellant’s Opening Brief – by Nov 21, 2025

☐ State’s Response Brief – by Dec 21, 2025

☐ Appellant’s Reply Brief (optional) – by Jan 4, 2026

☐ Oral Argument (if scheduled) – TBD

☐ Decision issued by Montana Supreme Court – TBD

Tips:

Keep all proofs of service and mail receipts.

Update actual dates if the Court modifies deadlines.

Check each box ✓ as completed.

Keep this checklist with your case files for reference.

If you want, I can make a fully filled-out, one-page printable version with checkboxes and columns for notes, so it’s ready to mark off physically — like a pro se filing tracker you can carry in your folder.

Do you want me to do that next?

Perfect — here’s a one-page printable Pro Se Filing Tracker for your Montana criminal appeal. It includes checkboxes, sample dates, and space for notes so you can physically track every step.

🗂 Montana Criminal Appeal — Pro Se Filing Tracker

Case: State of Montana v. [Your Name]

Cause No.: [___]

Notice of Appeal Filed: Sept 8, 2025

Step	Document / Action	Deadline	Complete ✓	Notes
1	Notice of Appeal	Sept 8, 2025	☐	File with District Court Clerk
2	Certificate of Service (Notice of Appeal)	Sept 8, 2025	☐	Mail copy to County Attorney
3	Motion for Leave to Proceed In Forma Pauperis	Sept 8, 2025	☐	Attach Affidavit of Inability to Pay Costs
4	Affidavit of Inability to Pay Costs	Sept 8, 2025	☐	Notarized
5	Motion for Appointment of Appellate Counsel	Sept 8, 2025	☐	Request Appellate Defender be assigned
6	Certificate of Service (Appellate Counsel Motion)	Sept 8, 2025	☐	Mail copy to County Attorney
7	Cover Letter to District Court Clerk	Sept 8, 2025	☐	Lists all documents being filed
8	Assemble Filing Packet	Sept 8, 2025	☐	Make 2 copies: Clerk & County Attorney
9	District Court rules on IFP & Appellate Counsel	Sept 22, 2025	☐	Track Clerk ruling
10	Order Transcripts / Record on Appeal	Oct 8, 2025	☐	Appellate Defender handles if appointed
11	Record forwarded to Montana Supreme Court	Oct 22, 2025	☐	Docketing notice issued
12	Appellant’s Opening Brief	Nov 21, 2025	☐	Include issues, facts, arguments, citations
13	State’s Response Brief	Dec 21, 2025		

☐ State responds

14 Appellant’s Reply Brief (optional) Jan 4, 2026 ☐ Optional

15 Oral Argument (if scheduled) TBD ☐ Court may waive

16 Decision Issued TBD ☐ Court issues written opinion or memorandum decision

Tips:

Keep this tracker with your case file.

Update dates if the Court modifies deadlines.

Check off ✓ each box as you complete a step.

Use the Notes column for reminders, such as mail tracking numbers or Court communications.

If you want, I can also create a fully formatted PDF version of this checklist with boxes to tick and lines to write notes, ready to print and use immediately — it would look like a professional filing tracker.

Do you want me to do that next?

yes/done/downloaded

next: can you create a sample appeal brief in word format ?

Upon final written judgment by the district court, contact the Appellate Defender Division (ADD) at 406-444-9505 and advise that you wish to proceed with an appeal. ADD has the right to assume all appeals in OPD cases, including contract and conflict OPD cases.May 15, 2019

The Office of the State Public Defender provides effective assistance of counsel to indigent persons who by law are entitled to representation by an attorney for a variety of cases—not only those accused of crimes, but parents and children who are experiencing the child welfare system, elderly people losing autonomy over their affairs, and mentally ill people facing commitment. Public defenders have the same obligations toward the client and their case as do private attorneys.

OPD has four divisions with over 20 offices statewide dedicated to providing zealous and effective legal services with a focus on quality client-centered representation.

False or suppressed evidence can neither convict nor condemn." - United States ex rel. Many United States Supreme Court decisions have overturned criminal convictions for the reason that the government employed false evidence to obtain the conviction or failed to disclose relevant evidence important to the defense.

Is clear error the same as plain error?

In federal appeals, a "plain error" refers to a clear or obvious mistake made by the trial court during the proceedings—precisely, one that was not objected to when it occurred.

[the court committed a plain error by allowing the photo of the bullet impact/warren cline which was not the bullet impact site as was pointed out by deputy atkin; this error would have changed the outcome of the jury verdict as it impeached the trustworthiness of the testimony of warren cline and also the final argument of the county attorney]

[false evidence (image of bullet impact/warren cline location) leads to statements that are false and misleading]

[note that warren cline changed his statement, a statement made approx 10 minutes after the incident did not mention anything about turning around or fearing being shot in the back]

(2) The defendant may appeal to the district court by filing written notice of intention to appeal within 10 days after a judgment is rendered following trial or the denial of the motion to withdraw a plea as provided in 46-17-203(2)(b).

Clear Appeal Grounds: Your reasons for the appeal, such as procedural errors or misinterpretation of law during the original trial, need to be legally sound. Courts look for clear mistakes that could have changed the trial's outcome.May 2, 2024

Unlike most state court systems and the federal judiciary, Montana does not have an intermediate appellate court. Consequently, the Supreme Court hears direct appeals from all of the District Courts across Montana, as well as from the Workers' Compensation Court and the Water Court.

This is because the Court of Appeal assumes the trial court's decision was correct unless the person appealing (the appellant) can prove it was wrong. To win, the appeal must include a strong legal argument that clearly shows the trial court made a mistake and that it harmed the appellant.

What are the 3 possible outcomes of an appeal?

The appellate court will do one of the following:

Affirm the decision of the trial court, in which case the verdict at trial stands.

Reverse the decision to the trial court, in which case a new trial may be ordered.

Remand the case to the trial court.

Types of Grounds for an Appeal That Can Win

Legal Errors. Legal errors are mistakes or misapplications of the law during a trial. ...

Procedural Errors. ...

New Evidence. ...

Inadequate Representation. ...

Unreasonable Verdict. ...

Miscarriage of Justice.

Upon final written judgment by the district court, contact the Appellate Defender Division (ADD) at 406-444-9505 and advise that you wish to proceed with an appeal. ADD has the right to assume all appeals in OPD cases, including contract and conflict OPD cases. submit it electronically to the ADD.May 15, 2019

How to file an appeal in Montana?

To file a direct appeal, a Notice of Appeal or Cross-Appeal must be filed in The Office of the Clerk of the Supreme Court. A copy of the Notice of Appeal or Cross-Appeal shall be contemporaneously served in The Office of the Clerk of The District Court from which the appeal is originating, and served on all parties.

General Information

The Appellate Defender Division of the Montana State Public Defender (OAD) is a sub-unit of the Montana Office of the Public Defender (OPD). OAD attorneys practice before the Montana Supreme Court and handle the appeals for all OPD clients across the state. These appeals include criminal cases in which incarceration is a possibility, juvenile cases, commitments to the state mental hospital, guardianships, and terminations of parental rights.

Students in this placement personally handle appeals before the Montana Supreme Court. Such work begins with combing the district court record and transcripts and consulting with the client regarding potential appellate claims. The student then participates in office brainstorming sessions and draft an opening brief. The supervising attorney, the Chief Appellate Defender and other OAD attorneys will review the brief. The student also sends a copy to the client and consult with the client either by telephone or in-person in prison. The student then finalizes and files the client's opening brief. The student also communicates with opposing counsel at the Attorney General's Office regarding extensions, corrections of the record, and substantive concessions.

Upon receiving the State's response brief, the student reviews the response and prepares a reply. As with the opening brief, this entails close consultation with the client, brainstorming with the rest of OAD, and input from the supervising attorney and Chief Appellate Defender. If the Court orders oral argument, the student is invited to prepare and conduct that argument.

....(b) Appeals in criminal cases.

(i) An appeal from a judgment entered pursuant to section 46-18-116 must be taken within 60 days after entry of the judgment from which appeal is taken. A notice of appeal filed after the oral pronouncement of a decision or sentence but before entry of the written judgment or sentence is treated as filed on the date of the written entry. The district court is not deprived of jurisdiction to enter the written judgment or order by the premature filing of a notice of appeal.

(ii) After filing a notice of appeal, retained criminal defense counsel will remain as counsel of record on appeal until and unless counsel either obtains and files with the clerk of the supreme court the client's written consent to counsel's withdrawal, or obtains a supreme court order allowing counsel to withdraw.

(iii) An appeal from a judgment or order made appealable by section 46-20-103 must be taken within 20 days of the entry of the written judgment or order from which appeal is taken.

(6) Out-of-time appeal. In the infrequent harsh case and under extraordinary circumstances amounting to a gross miscarriage of justice, the supreme court may grant an out-of-time appeal. An out-of-time appeal must be requested by verified petition supported by affidavits, records, and other evidence establishing the existence of the extraordinary circumstances claimed. Extraordinary circumstances do not include mere mistake, inadvertence, or excusable neglect.

Public defenders are lawyers by definition. A lawyer whose performance falls below on objective standard in the area may be found liable if the client suffered harm. The entity for whom they were employed at the time is responsible for defending and indemnifying such an employee.

if it was the attorney's fault that you were convicted, the issue is generally raised by appellate counsel, and iis known as ineffective assistance of counsel. If an appellate court agrees, the conviction is reversed. This has nothing to do with your filing a civil claim.

The difference between a public defender and a privately-retained criminal attorney is the source of their income. Public defenders are salaried professionals the same way that prosecuting attorneys are (in some areas the funding agency is a non-profit agency, like Legal Aid, and in some areas the office is operated by a governmental agency. These are not managed or supervised by the same office as the prosecuting attorney. Ultimately the taxpayers are responsible for paying the salary of the public defender, because the right to an attorney in a criminal case is guaranteed by Gideon v. Wainwright.

>Also, in some states, in order to be even entitled to sue a criminal lawyer, the convicted defendant must first appeal the conviction on the grounds of ineffective assistance of counsel, and PREVAIL on that defense. It is very rare for judges to vacate a conviction on those grounds and order a new trial, partly because doing so is practically a confession of error on the part of the judge, for his or her failure to notice that the defense was performing poorly.

>Lawyer misrepresentation can manifest in various forms, making it necessary for clients to be vigilant in recognizing potential red flags. Common examples include false promises about the likelihood of success in a case, concealment of important information or evidence, and the provision of inaccurate legal advice that leads to unfavorable outcomes.

At the heart of the lawyer-client relationship is the concept of fiduciary duty, which requires the legal professional to act in the best interests of their client. This duty encompasses a range of ethical and professional obligations, including the duty of loyalty, the duty of confidentiality, and the duty to exercise reasonable care and skill.

When a lawyer engages in misrepresentation, they are often considered to have breached this fiduciary duty. This breach can occur when the lawyer prioritizes their own interests over those of the client, fails to disclose relevant information, or takes actions that undermine the client’s legal position.

When a client believes they have been the victim of lawyer misrepresentation, the first step is to understand the complaint process and the appropriate channels for seeking redress. This process typically involves filing a formal complaint with the relevant regulatory body or disciplinary committee, which may vary depending on the jurisdiction and the specific nature of the misconduct.

If you must file a formal complaint, your first step is contacting the state disciplinary counsel or board. State boards may have an official complaint form or provide other necessary information. You can also read more about the process in the FindLaw article "Where Can I File a Complaint Against My Lawyer?

Thus, after Davis, the courts will have to determine the primary purpose of the police interrogation before it can rule on whether the statement will be admissible as evidence under the Confrontation Clause. 46

The note

will next discuss the "primary purpose test" articulated in Davis in determining

which statements taken by police at the scene will be admissible as evidence and

which will not.

("We leave for another day any effort to spell out a comprehensive definition of 'testimonial.' Whatever else the term covers, it applies at a minimum to prior testimony at a preliminary

hearing, before a grand jury, or at a former trial; and to police interrogations.").

> indicia of reliability... would point out that cline's bullet impact statement (false) indicates he would make further false statements.

mancusi and barber -- The second requirement, a major change, came when the Court held that once

a witness is shown to be unavailable, the prosecutor must prove the statement is

trustworthy or reliable,

The prosecutor can prove reliability by showing the evidence

falls into "certain hearsay exceptions [that] rest upon such solid foundations that

admission of virtually any evidence within them comports the 'substance of the

constitutional protection.'

In 2004, the U.S. Supreme Court reinvented the Confrontation Clause when

it decided Crawford v. Washington."9 Crawford overruled the guidelines set forth

in Ohio v. Roberts concerning testimonial statements. 120 The Court in Crawford

found the Confrontation Clause required an opportunity to cross-examine,

regardless of the showing of the statement's reliability. 2 '

(statement not reliable) --The nine factors were:

(1) whether the declarant, at the time of making the statement, had an

apparent motive to lie; (2) whether the declarant's general character suggests

trustworthiness; (3) whether more than one person heard the statement;

(4) the spontaneity of the statement; (5) whether trustworthiness is suggested

from the timing of the statement and the relationship between the declarant

and the witness; (6) whether the statement contains express assertions of past

fact; (7) whether the declarant's lack of knowledge could be established by

cross-examination; (8) the remoteness of the possibility that the declarant's

recollection is faulty; and (9) whether the surrounding circumstances suggest

that the declarant misrepresented the defendant's involvement.

--The Court held that playing the recorded statement at trial violated the

defendant's Sixth Amendment right to be confronted by the witness against him because the statement was testimonial, and the defendant did not have an opportunity to cross-examine the witness.1 24 In order to meet Confrontation Clause

requirements, the statement must be testimonial, the witness must be unavailable, and the defendant must have had a prior opportunity to cross-examine the

witness. 125 (crawford v washington)

The Court found the Sixth Amendment protects a defendant against

witnesses who "bear testimony."1 28 Although the Court did not specifically define

the term "testimonial," it did give examples, stating that "[a] ffidavits, depositions,

prior testimony, or confessions" are testimonial. 129 The Court also found that

"[s]tatements taken by police officers in the course of interrogations are also

testimonial, under even a narrow standard.'" 30

A statement is testimonial "when the circumstances objectively indicate that

there is no such ongoing emergency, and that the primary purpose of the interrogation is to establish or prove past events potentially relevant to later criminal prosecution.'"

The purpose of the 911 operator's interrogation is not to determine past events,

therefore, it will generally be non-testimonial.

The testimonial nature of Amy's statement derived from

the fact she was describing past events as opposed to an ongoing emergency. 8 '

>>>if the 'emergency' was the weapon discharge, the use of force, which had ended before the deputy arrived, the statements taken by the deputy would be testimonial, if the defendant is immediately

disarmed, the emergency is ended.

Another source of uncertainty may arise since the new test requires courts to

objectively determine, from the circumstances, law enforcement's primary motive

for the interrogation

at the time of the 911 call there was no emergency, but the defendant made the 911 call sound like an emergency was pending (he says to generate a quicker response from the sheriffs office)

Further uncertainty may arise from the requirement that the courts consider

the police officer's motivations without considering the speaker's motivation or

reasonable expectations.

Griffin, supra note 216, at 21 ("The goal of confrontation, according to Crawfords reasoning

and Davis's purposive test, is to expose any governmental coercion or manipulation.") The Court

did "clarify that the confrontation clause focuses solely upon conduct by governmental officials."

Graham, supra note 208.

We believe that the Court's holdings in Crawford and in Davis regarding the

meaning of "testimonial statements" may therefore be distilled down into the

following three points. First, a testimonial statement is, generally, a statement

that is made under circumstances which would lead an objective witness reasonably to believe that the statement would be available for use at a later trial. Second, a witness's statement taken by a law enforcement officer in the course of an interrogation is testimonial when the circumstances objectively indicate that there is no ongoing emergency, and that the primary purpose of the witness's statement is to establish or prove past events potentially relevant to later criminal prosecution. A witness's statement taken by a law enforcement officer in the course of an interrogation is non-testimonial when made under circumstances objectively indicating that the primary purpose of the statement is to enable police assistance to meet an ongoing emergency. And third, a court assessing whether a witness's out-of-court statement is "testimonial" should focus more upon the witness's statement, and less upon any interrogator's questions.

> > >look up montana rules of evidence

Yet, the Court found this statement testimonial because it was taken after the emergency had ended.287 This illustrates that how and when the police officer takes a statement might affect the testimonial nature and admissibility of the statement, since danger can exist even

after the initial incident is over. 288 If the police had not separated them and still

had to restrain Hershel, a court would have to determine if the emergency had

ended.

307 Davis, 126 S. Ct. at 2279-80. Forfeiture means the defendant waives the Sixth Amendment

right if responsible for taking actions that caused the victim's absence or inability to testify. Id. at

2279-80. <the prosecution has the option to subpoena the witness to testify in court, the witness that decides not to participate in the proceeding/case, the witness made the choice to not testify... it is the witnesses choice to testify or not to testify absent threat of violence or physically preventing the witness from testifying>

The U.S. Supreme Court in Davis v. Washington took the opportunity to

clarify what constitutes a "testimonial" statement under Crawford by classifying

statements gathered in police interrogations as testimonial or non-testimonial. The

"primary purpose test" adopted by the Court requires classificatiofi of a statement

to the police according to the main purpose for which the statement was collected: emergency assistance or an investigation of possible past crimes

Federal Rules of Evidence

(3) Exceptions for a Witness. Evidence of a witness’s character may be admitted under Rules 607 , 608 , and 609

(2) an accused may introduce pertinent evidence of the character of the victim, as in support of a claim of self-defense to a charge of homicide or consent in a case of rape, and the prosecution may introduce similar evidence in rebuttal of the character evidence, or, in a homicide case, to rebut a claim that deceased was the first aggressor, however proved; and (3) the character of a witness may be gone into as bearing on his credibility. McCormick §§155–161.

Rule 404(b) has emerged as one of the most cited Rules in the Rules of Evidence. And in many criminal cases evidence of an accused's extrinsic acts is viewed as an important asset in the prosecution's case against an accused. Although there are a few reported decisions on use of such evidence by the defense, see, e.g., United States v. McClure , 546 F.2nd 670 (5th Cir. 1990) (acts of informant offered in entrapment defense), the overwhelming number of cases involve introduction of that evidence by the prosecution.

Legal Information Institute

The amendment to Rule 404(b) adds a pretrial notice requirement in criminal cases and is intended to reduce surprise and promote early resolution on the issue of admissibility. The notice requirement thus places Rule 404(b) in the mainstream with notice and disclosure provisions in other rules of evidence. See, e.g ., Rule 412 (written motion of intent to offer evidence under rule), Rule 609 (written notice of intent to offer conviction older than 10 years), Rule 803(24) and 804(b)(5) (notice of intent to use residual hearsay exceptions).

For example, in a murder case with a claim of self-defense, the accused, to bolster this defense, might offer evidence of the alleged victim's violent disposition.

See United States v. Burks , 470 F.2d 432 , 434–5 (D.C.Cir. 1972) (evidence of the alleged victim's violent character, when known by the accused, was admissible “on the issue of whether or not the defendant reasonably feared he was in danger of imminent great bodily harm”).

In criminal cases, the so-called “mercy rule” permits a criminal defendant to introduce evidence of pertinent character traits of the defendant and the victim.

the present rule generally bars evidence of specific instances of conduct of a witness for the purpose of attacking or supporting his credibility. There are, however, two exceptions: (1) specific instances are provable when they have been the subject of criminal conviction, and (2) specific instances may be inquired into on cross-examination of the principal witness or of a witness giving an opinion of his character for truthfulness.

(1) Conviction of crime as a technique of impeachment is treated in detail in Rule 609, and here is merely recognized as an exception to the general rule excluding evidence of specific incidents for impeachment purposes.

Rule 609(a) was amended to read as follows:

For the purpose of attacking the credibility of a witness, evidence that he has been convicted of a crime is admissible only if the crime (1) was punishable by death or imprisonment in excess of one year, unless the court determines that the danger of unfair prejudice outweighs the probative value of the evidence of the conviction, or (2) involved dishonesty or false statement.

Rule 609(b) as submitted by the Court was modeled after Section 133(a) of Public Law 91–358, 14 D.C. Code 305(b)(2)(B), enacted in 1970. The Rule provided:

Evidence of a conviction under this rule is not admissible if a period of more than ten years has elapsed since the date of the release of the witness from confinement imposed for his most recent conviction, or the expiration of the period of his parole, probation, or sentence granted or imposed with respect to his most recent conviction, whichever is the later date.

One other clarifying amendment has been added to this subsection, that is, to provide that the admissibility of evidence of a prior conviction is permitted only upon cross-examination of a witness. It is not admissible if a person does not testify.

Justice Robert H. Jackson

In the 1945 case Thomas v. Collins, Justice Jackson wrote that "in this field, every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us". This comment underscores the importance of a free press and the ability of individuals to discover the truth for themselves, rather than relying on the government to dictate it.

...legal experts in the judiciary have also described the court's role in determining truth. Legal proceedings, particularly criminal trials, are sometimes described as a "search for truth". However, this "truth" is not an absolute philosophical concept but a legal one, based on the evidence, process, and standards of proof required by the law. The Federal Rules of Evidence, which are used in federal courts, specifically outline how judges should control the presentation of evidence to "make those procedures effective for determining the truth".

Supreme Court justices have affirmed that convictions obtained through "knowingly used false evidence" violate the Fourteenth Amendment's Due Process Clause, citing the precedent in Napue v. Illinois. In this scenario, the prosecution's knowing presentation or failure to correct false testimony that impacts a witness's credibility can warrant a new trial if it could have influenced the jury's decision.

Key Principles Regarding False Evidence

Knowingly False Evidence Vitiates Due Process:

.

The Court has established that deliberately presenting false evidence to a court and its jurors is incompatible with basic requirements of justice.

Napue Violation:

.

A violation occurs when the prosecution knowingly offers false testimony or fails to correct it when it appears in the trial.

Materiality of False Testimony:

.

False testimony can be considered "material" if it affects the credibility of a witness, which can be decisive for the jury's determination of guilt or innocence.

When a New Trial May Be Warranted

A new trial may be required if there is "any reasonable likelihood" that the false testimony could have affected the outcome of the trial. The prosecution's knowledge and the potential effect of the falsehood are crucial factors in determining whether a due process violation occurred.

Distinction Between False and Misleading

In the recent case of Thompson v. United States, the Supreme Court clarified that a "false" statement is not the same as a "misleading" one, even though both can have negative consequences. The Court held that the statute in that case prohibited genuinely false statements, not just those that are misleading.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103, 112 (1935). In Napue v. Illinois, 360 U.S. 264 (1959), the Supreme Court reiterated that a conviction obtained through use of false testimony, known to be such by representatives of the State, is a denial of due process. The Court further ruled that there is also a denial of due process when the State, though not soliciting false evidence, allows it to go uncorrected when it appears. In cases involving false or misleading testimony, a new trial is required if "the false testimony could . . . in any reasonable likelihood have affected the judgment of the jury . . . ." Napue, 360 U.S. at 271.

Napue v. Illinois,

360 U.S. 264 (1959)

"When reliability of a given witness may well be determinative of guilt or innocence,"

nondisclosure of immunity deal with witness violates Due Process. In addition, “a conviction obtained through use of false evidence, known to be such by representatives of the State, must

fall under the Fourteenth Amendment.” See Mooney v. Holohan, 294 U.S. 103; Pyle v. State of

Kansas, 317 U.S. 213. And “[t]he same result obtains when the State, although not soliciting

false evidence, allows it to go uncorrected when it appears.” See Alcorta v. State of Texas, 355

U.S. 28.

In Strickland v. Washington, 466 U.S. 668 (1984), the United States Supreme Court held that in order for a convicted defendant to establish that he or she was deprived of the Sixth Amendment right to effective assistance of counsel at trial, the defendant would have to show: (1) deficient performance by trial counsel; and (2) prejudice. In determining whether trial counsel's performance was constitutionally deficient, the reviewing court looks to the reasonableness of counsel's conduct under "prevailing professional norms." Id. at 688. It is the convicted defendant's duty to identify the acts or omission by counsel that are alleged not to have been the result of reasonable professional judgment. The reviewing court must then judge "the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Id. at 690. To establish prejudice, a convicted defendant "need not show that counsel's deficient conduct more likely than not altered the outcome in the case." Id. at 693. Rather, the defendant must establish "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694.

MCA 46-16-401 -- The defendant may make an opening statement prior to the prosecutor's offer of evidence or at the close of the prosecution's case but prior to the defendant's offer of evidence.

montana case law- denial of defendant opening statement

In Montana, the right of a criminal defendant to present an opening statement is protected by statute and case law. A significant case on this issue is State v. Olson, 1971, where the Montana Supreme Court held that denying a defendant the opportunity to make an opening statement before the prosecution's case-in-chief constitutes prejudicial error. The court emphasized that such a denial interferes with the defendant's right to have the jury consider their defense, particularly when the defense is complex, such as insanity.

Montana statutes outline the order of trial proceedings. Under the relevant statute, the defendant may make an opening statement either after the state's opening statement or after the state rests its case. The court has discretion to alter this order for good reasons.

In State v. Martinez, the court addressed the issue of defense counsel being interrupted during an opening statement. The court sustained objections when the defense counsel's remarks were deemed argumentative rather than a preview of evidence. This case illustrates the importance of adhering to the purpose of opening statements—to outline the evidence to be presented—without veering into argumentation.

Furthermore, in State v. White, the Montana Supreme Court discussed the implications of a defense counsel's decision to forego an opening statement. The court noted that such decisions are often tactical and, unless the record clearly indicates otherwise, are not typically grounds for appeal. This underscores the importance of the trial record in evaluating claims of ineffective assistance of counsel related to opening statements.

In summary, Montana law recognizes the defendant's right to make an opening statement, and improper denial of this right can constitute reversible error. However, the content of the opening statement must align with its purpose—to preview evidence—and not cross into argumentation. Additionally, decisions regarding whether to make an opening statement are generally considered tactical and are evaluated based on the trial record.

Justifiable Use Of Force -- Burden Of Proof

MCA 46-16-131.Justifiable use of force -- burden of proof. In a criminal trial, when the defendant has offered evidence of justifiable use of force, the state has the burden of proving beyond a reasonable doubt that the defendant's actions were not justified.

By a plea of not guilty, the Defendant denies every allegation of the charge.

3. The State of Montana has the burden of proving the guilt of the Defendant beyond a reasonable doubt.

4. The Defendant is presumed to be innocent of the charge against him. This presumption remains with him throughout every stage of the trial and during your deliberations on the verdict. It is not overcome unless from all the evidence in the case you are convinced beyond a reasonable doubt that the Defendant is guilty. The Defendant is not required to prove his innocence or present any evidence.

If you are going to trial over a second amendment right to self-defense, these are some of the words/definitions you will encounter.

Merriam Webster Dictionary

self-defense

1: a plea of justification for the use of force or for homicide

2: the act of defending oneself, one's property, or a close relative

Second Amendment

In the 2008 case District of Columbia v. Heller,6 the Supreme Court held, after a lengthy historical analysis, that the Second Amendment protects an individual right to possess firearms for historically lawful purposes, including self-defense in the home. "Taken together, the Court concluded that the Second Amendment guarantee[s] the individual right to possess and carry weapons in case of confrontation."

In the 2022 case New York State Rifle & Pistol Association v. Bruen,...the Court recognized that the Second Amendment protects a right that extends beyond the home.

Assault

1 a: a violent physical or verbal attack

b: a military attack usually involving direct combat with enemy forces

c: a concerted effort (as to reach a goal or defeat an adversary)

2 law a :threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact

(as regards law: it is an emotional threat - like when someone hurts your feelings Vs a physical attack)

why do you think firing a warning shot is an "assault" against an aggressive 6' 200lb ex-convict ? Would not a real assault be shooting an aggressive 6' 200lb ex-convict ?

("scare tactics" = GED education level response, equals - deterrence)

Intimidate

law a: threat or attempt to inflict offensive physical contact or bodily harm on a person (as by lifting a fist in a threatening manner) that puts the person in immediate danger of or in apprehension of such harm or contact

(as regards law; it is an emotional threat - like when someone hurts your feelings Vs physical contact/pushing/shoving)

why do you think firing a warning shot is an "intimidation" act against an aggressive 6' 200lb ex-convict ? Would not the intimidated act accordingly - frightened ?

Aggressive

1 a : tending toward or exhibiting aggression - aggressive behavior

b : marked by combative readiness

2 a : marked by obtrusive energy and self-assertiveness - a rude, aggressive personality

b : marked by driving forceful energy or initiative

3 : strong or emphatic in effect or intent

If someone continues to be aggresive toward you, and you are armed, do you believe they have been either assaulted or intimidated ?

What is the normal response to threat with a handgun ? : Run, hide, call the sheriff's office.

If you fire a warning shot and the 6' 200lb ex-convict does not run, does not hide, does not call out for help, does not call the sheriff's office, and continues to be aggressive... do you believe they are in fear of being assaulted or are intimidated ?

Fear

a : an unpleasant often strong emotion caused by anticipation or awareness of danger

b (1) : an instance of this emotion

(2) : a state marked by this emotion

2 : anxious concern

3 : profound reverence and awe

4 : reason for alarm : danger

common to the definitions of assault/intimidation : the word threat

Threat

1 : an expression of intention to inflict evil, injury, or damage

2 : one that threatens

3 : an indication of something impending

If you fire a warning shot and the 6' 200lb ex-convict does not run, does not hide, does not cry out for help, does not call the sheriff's office, and continues to be aggressive... do you believe the 6' 200lb ex-convict views you as a threat and is intimidated or concerned about being assaulted ? Would that not demonstrate an Absence of Fear? Can you assault or intimidate someone that does not fear you or view you as a threat ? The 6' 200lb ex-convicts actual response in this case is more worthy of consideration than the alleged "emotional" responses of assault and intimidation, possibly planted by the responding *deputy in creating the witness/"victim" statement. *the deputy's write up of statements attributed to the "victim" is legally considered "hearsay".

Lack of Intent

In criminal threat cases, intent is a crucial element that the prosecution must prove beyond a reasonable doubt. The intent here, with a warning shot, is to deter aggressive behavior in the 6' 200lb ex-convict. There is no intention to inflict harm, unless the aggressive threatening behavior is not deterred, stopped.

Lack of Fear

In criminal threat cases, the prosecution must prove that the victim experienced reasonable and sustained fear due to the threat. The defense can argue that the victim’s reaction or behavior did not align with genuine fear, thus challenging the threat’s credibility.

For example, if the alleged victim continued to interact with the accused in an aggressive manner after the supposed threat, it could be argued that a reasonable person would not have felt genuinely threatened. ... reasonable doubt.

Self-Defense or Defense of Others

If the accused can show that the threat was made as a defensive reaction to an immediate threat to oneself or others, it can be a valid defense. For instance, if someone threatens to use force to protect oneself from an imminent attack, this can be argued as a justified threat made in self-defense.

belligerent (deputy atkin term used to describe defendant)

1 : inclined to or exhibiting assertiveness, hostility, or combativeness

disrespect (when defendant says "do your job")

1 : to lack special regard or respect for

2 : to show or express disrespect or contempt for : insult, dis

looks like the word deputy atkin is looking for is "disrepect"

out of whole cloth

: in order to trick someone into believing what is not true

He would make up stories out of whole cloth just to stir up trouble.

Summary

Sooo, in order to prevent an actual physical assault to himself, the defendant, per the state's argument has created an "emotional" assault upon the "victim" and "emotional" intimidation upon the "victim" (has hurt his feelings), neither of these two charges are actually reflected in the subsequent real-time actions of the "victim". The bungled investigation of a theft by the MCSO deputy Ethan Atkin leads to the arrest of the defendant (the real victim) but that arrest of the defendant also creates an "emotional" feeling of happiness in the "victim"/ suspected thief. Perhaps the defendant should have allowed the "victim" to physically assault him, thus giving the "victim" the same end result of an "emotional" feeling of happiness. And while we are talking about "feelings" perhaps per the states's argument. the defendant should have just given his firearm to the "victim" and said "go ahead and shot me". if that would make you happy. Welcome to the absurd world created by the state/county attorney created by bringing these charges against the defendant.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

Generally, 911 tapes are public record

How do I get a transcript of a 911 call?

Even where the 911 record is publicly available, you will generally still be required to apply to the clerk of the court for a subpoena to obtain an authenticated record from the 911 service involved and to have it lodged as evidence with the court prior to the proceedings.

Montana

911 tapes are initial offense reports and public criminal justice information.

Discovery:

All (911 calls with search on address: 320 cabin city loop road)

*911 circa 2/17 or 2/18 (recent MC Sheriffs Office to 320 cabin city loop road

most recent (3/4/2025 (3) sheriffs vehicles approx 5:00pm)

**note MCSO incident 320 cabin city loop road - shooting across county road MCA 61-8-369

61-8-369. Shooting from or across road or highway right-of-way. Except as provided in 87-2-803(5), a person may not shoot a firearm from or across the right-of-way of a highway.

($50 - $1000 fine/ and or 6months jail - if hunting)

*** multiple dispatches to 320 cabin city loop road (2020 - 2025)

contactdoj@mt.gov

Austin Knudsen Attorney General

Friday, February 7, 2025

Today, the White House announced a new Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans. This is the first action taken by President Donald J. Trump to carry through on his promise to restore the full protections of the Right to Keep and Bear Arms for the American people.

President Trump has gone further than simply moving towards eliminating the anti-gun actions of the last administration. The order further requires the Attorney General to take an all-of-government review to further enhance firearm rights by addressing the litigation position of the United States in any case impacting the Second Amendment, ...

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email 2/24/2025

To: contactdoj@mt.gov

Subject: Austin Knudsen Attorney General: President Trump Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans

"Today, the White House announced a new Executive Order to protect and expand the Second Amendment rights of all law-abiding Americans. This is the first action taken by President Donald J. Trump to carry through on his promise to restore the full protections of the Right to Keep and Bear Arms for the American people.

President Trump has gone further than simply moving towards eliminating the anti-gun actions of the last administration. The order further requires the Attorney General to take an all-of-government review to further enhance firearm rights by addressing the litigation position of the United States in any case impacting the Second Amendment, ..."

In light of the President's action at the federal level, I am curious as to how the state of Montana will implement the direction of this executive order at the state level.

In Mineral County Montana a trial date is set for March in a Second Amendment case where the Defendant pleads the right to self-defense.

In this case the State of Montana is defending (2) career criminals, elevating them to the status of "victims".

The Defendant sought to defend himself against severe bodily injury from the ex-convict who approached him in an aggressive manner.

This case would benefit from an extensive review by the Attorney General and a correction of the state's prosecution in the matter via the Mineral County Attorney .

When criminals laugh because they get to be "victims", it defeats the purpose of laws and disdains all law-abiding citizens.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County

...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

The Case: Jury Trial - DC-24-32 - Assault with weapon - 05/19/2025 9:00am Fourth Judicial District Court, Mineral County ...a person convicted of assault with a weapon shall be imprisoned in the state prison for a term not to exceed 20 years or be fined not more than $50,000.

The Information document filed by county attorney debra jackson on 6 sept 2024 contains false and misleading statements -- Count 1 : "(defendant) did so by discharging a gun into the ground next to (victim) " -No, a warning shot was fired, but it was nowhere near the "victim", actually it was about as far from the "victim" as possible ... Count 2: "he discharged a firearm at the feet of (victim)..." - No, that never happened (victim showed deputy where he was standing and the bullet hole in the road, deputy recognized it was not a bullet impact location and marked the correct location - about 20 ft from where the "victim" was standing during the incident (see still images photo sequence as numbered)... Count 3: "deputy (another brady) had to pick up (defendant) "- No, (defendant) was sitting in the backseat of the deputies car, deputy simply pushed his feet inside the vehicle. (see bodycam video) [count 1 assault w/weapon, count 2 intimidation, count 3 resisting arrest]

In this twisted version of the incident you are led to believe defendant is shooting at the feet of "victim" (dance boy dance) like some scene from a cowboy western. (which would be a crime). This is a second amendment case where the defendant fired a warning shot in self-defense as he was approached by an angry loud aggressive ex-convict that outweighed the defendant by about (70) lbs. Defendant does not like hospitals.

From State of Montana Public Defender. A new event has been scheduled:

Event: Final Pre-trial Hearing ~ Ferren, Joshua

Date: 04/14/2025

Time: 9:00 AM

Location: Fourth Judicial District Court, Mineral County

From State of Montana Public Defender. A new event has been scheduled:

Event: Jury Instruction Hearing ~ Ferren, Joshua

Date: 05/16/2025

Time: 10:00 AM

Location: Fourth Judicial District Court, Mineral County

From State of Montana Public Defender. A new event has been scheduled:

Event: Jury Trial Ferren, Joshua

Date: 05/19/2025

Time: 9:00 AM

Location: Fourth Judicial District Court, Mineral County

Debra Jackson

Mineral County Attorney: transplant from California, ran unopposed for position

Lives at Hidden Valley Ranch, approx. value of property - $900,000

As of Feb 19, 2025, the average annual pay for a County Attorney in Montana is $90,252 a year.

see rim_condensed for additional errors of fact (atkin/hughes) another "brady" deputy

"warning shot" ---In the Court’s lead opinion, Justice Melody Stewart stated that the Ohio self-defense law does not require an intent to harm or kill another, just the “intent to repel or escape force.” ...self-defense is an “affirmative defense,” which means it is more than denying that the prosecution produced the evidence to prove the crime. Rather, an affirmative defense is a “true defense,” he wrote, that asserts the prosecution’s facts are true (a shot was fired) but the defendant is not guilty because the law provides a justification for the action (self-defense).

In order to determine whether there is any subject within the scope of the

operation of the Attorney General or the POST Council, or both, involving the situation

in Lake County, I've turned to the following four newspaper articles that are available

online concerning the Lake County situation: (1) the story by Matthew Frank appearing

in the December 1, 2011, Missoula Independent ("Above the Law"); (2) the story by

Myers Reece appearing in the Flathead Beacon on November 23, 2011, ("Misguided

Brotherhood"); (3) another article by Matthew Frank appearing in the December 10,

2011, edition of the Missoula Independent ("More on the Misconduct in Lake County");

and (4) a story in the Beacon by Kellyn Brown, appearing in the December 9, 2011,

edition ("An Unusual Raid").

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/Feb-2012/David%20LJIC%20Oversight.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/April%2019-20,%202012/Lake%20Co%20investigations.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/April%2019-20%2C%202012/missoula%20independent%20article.pdf

"When one of the deputies heard this during their meeting with Batista and Bullock, he pointed to the Montana statute that states that it's the duty of the attorney general to "exercise supervisory powers over the county attorneys in all matters pertaining to the duties of their office," including "the power to order and direct county attorneys in all matters pertaining to the duties of their office.""

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/June%202012/041812_LJIC%20ltr%20re%20Lake%20Co.pdf

https://archive.legmt.gov/content/Committees/Interim/2011-2012/Law-and-Justice/Meeting-Documents/June%202012/AGLetters.pdf

Sargeant v. Bell, CV 15-116-M-DLC-RWA, (D. Mont. May. 26, 2017) (“United States Magistrate Judge Richard W. Anderson entered findings and recommendations in this case on January 12, 2017, recommending that Defendants Don Bell, Lake County Sheriff's Office, and Lake County's (collectively "LSCO") motion for summary judgment be granted in all respects and that Plaintiffs' complaint be dismissed. Plaintiffs Mike Sargeant ("Sargeant") and Ryan Funke ("Funke") filed a timely objection”)

Sargeant v. Bell, CV 15-116-M-DLC-RWA, 2 (D. Mont. May. 26, 2017) (“This case stems from investigations into an alleged poaching ring called the "Coyote Club" in Lake County, Montana. Sargeant and Funke were accused of participating in the poaching ring while on duty and while in law enforcement vehicles. The first investigation was initiated by the Montana Fish Wildlife and Parks ("FWP") in 2010, but no charges were brought against the Plaintiffs or any other individuals. In 2014, Don Bell was elected Sheriff of Lake County and took office in January 2015. Similarly, Steve Eschenbacher ("Eschenbacher") was the newly elected Lake County Attorney. Eschenbacher had heard of the Coyote Club and was concerned when a few years prior no charges were brought.”)

Sargeant v. Bell, CV 15-116-M-DLC-RWA, 6-7 (D. Mont. May. 26, 2017) (“Many of the witness statements were from informants wholly unconnected to each other that independently establish that Sargeant was illegally spotlighting and/or taking wild animals, and that Funke may have helped conceal the illegal conduct. (See Doc. 35-1 at 8-18.)”)

https://casetext.com/case/sargeant-v-bell

Ryan Funke removed animal mounts from Sargeant's home. In September 2010, Bowen and a tribal game warden interviewed Jason Nash, who claimed ...

https://issuu.com/missoulanews/docs/missoulaindependenti30072513/20

Chapter 10 – Fourth Judicial District Court

Justice Robert H. Jackson

In the 1945 case Thomas v. Collins, Justice Jackson wrote that "in this field, every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us". This comment underscores the importance of a free press and the ability of individuals to discover the truth for themselves, rather than relying on the government to dictate it.

The Court. This chapter references a multitude of procedural documents generated stemming from the arrest and legal process leading to the court trial and what follows after.

Hon. Shane Vannatta Fourth Judicial District Court

9/19/2025 - How to take the measure of a man's character - give him the opportunity to do the right thing, to correct a wrong, and then see what choice he makes. Judge Shane Vannatta is aware that false evidence and false testimony was put in front of the jury in Mineral County on May 19, 20th 2025 (Motion for New Trial). His choice, rather than to order a new trial or to vacate the jury decision, was this response ..."he's not your lawyer". So, on to the appeal, with the addition of an "abuse of discretion" issue. And now you know why its a legal system and not a "justice" system -> Abuse of discretion is a legal term describing when a judge or administrative body makes a ruling that is arbitrary, capricious, unreasonable, or outside the bounds of legal authority, resulting in substantial injustice. Appellate courts use this standard to review lower court decisions, focusing on whether the ruling was "grossly and palpably wrong" or a "clear error of judgment". Examples include improperly excluding evidence, imposing an unfairly harsh sentence, or showing bias.

What it means

Failure to exercise sound judgment: A decision is considered an abuse of discretion when it lacks a rational basis or proper justification.

Improper rulings on evidence: A judge refusing to allow a crucial witness to testify or admitting evidence improperly.

IN THE SUPREME COURT OF THE STATE OF MONTANA

STATE OF MONTANA,

Plaintiff and Appellee,

v.

JOSHUA DAVID FERREN,

Defendant and Appellant.

Cause No. **DC-31-2024-0000032-IN**

APPELLANT'S OPENING BRIEF

I. Jurisdiction

This appeal is from the FOURTH Judicial District Court, MINERAL County, Cause No. **DC-31-2024-0000032-IN**, the Honorable SHANE VANNATTA presiding.

Appellant timely filed a Notice of Appeal under M. R. App. P. 4(5)(a)(i). This Court has jurisdiction under Article VII, Section 2 of the Montana Constitution and M. R. App. P. 5(b).

II. Issues Presented

Did the District Court violate Appellant's constitutional rights by allowing false and misleading evidence to be presented to the jury, in violation of the Due Process Clause of the Fourteenth Amendment and Article II, Section 17 of the Montana Constitution?

Was Appellant denied effective assistance of counsel, in violation of the Sixth Amendment and Article II, Section 24 of the Montana Constitution, where trial counsel failed to object to false evidence, failed to investigate, and failed to adequately defend Appellant?

Did the District Court err by failing to rule in favor of Appellant's timely Motion for New Trial under § 46-16-702, MCA, thereby depriving Appellant of meaningful review and violating due process?

III. Statement of the Case

Appellant was charged with

COUNT I: *Assault With A Weapon,* a felony, in violation of § 45-5-213(1)(b), MCA (2023);

COUNT II: *Intimidation,* a felony, in violation of § 45-5-203(a), MCA (2023);

COUNT III : *Resisting Arrest,* a misdemeanor, in violation of § 45-7-301(1)(b), MCA (2023)] on August 11, 2024.

Trial was held on May 19th, 20th 2025. A jury found Appellant guilty on May 20th 2025.

Judgment was entered on September 19, 2025.

On June 17, 2025, Appellant filed a Motion for New Trial under § 46-16-702, MCA, based on (a) false evidence presented at trial, and (b) ineffective assistance of counsel. The District Court [ignored/ denied]. As the defendant was pro se after the trial based on the failures of his public defenders, I was authorized to assist and as proxy for defendant [GED level education] submitted the Motion for a New Trial to the court. [Glenn Ferren]

Appellant timely appealed.

IV. Statement of Facts

1. On [May19th, 20th], the State introduced Exhibits [6.1,6.2,6.3,6.4, 6.5, 6.6], which includes a photograph purportedly showing a bullet impact location and one Warren A Cline on the county roadway [cabin city loop road]…”right at my feet” .
2. The State's witness, [Warren A Cline], added False Testimony when he testified that the photograph depicted a scenario directly related to the alleged offense.
3. Defendants public defenders failed to present to the jury that this photo was not the actual bullet impact location. Defense counsel had evidence from both bodycam video and discovery photos demonstrating the actual bullet impact location. Defense failed to impeach Cline’s False Testimony. In addition Defense had from the Defendant a video of bullet fragment recovery from the actual bullet impact site.
4. This False Evidence was confirmed by deputy Ethan R Atkin in bodycam video :
atkin_body_camera_Josh_Ferren_Assault_with_a_weapon.mp4

atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway][Photo images Discovery actual bullet impact location - #3122/#3123]

- wherein Atkin identified the False Photographic Evidence alleged to be the bullet impact location;
- And identified the actual bullet impact location, with photo evidence - #3122/#3123;
- Prosecution allowed the introduction of the False Photographic Evidence and subsequent False Testimony by Cline to substantiate the State’s narrative of events.

At trial, the State introduced false evidence – a photo wrongfully asserted to be a bullet impact location.

This evidence was false/misleading because the photo was not the bullet impact location, a different photo depicted the actual bullet impact location. The complaining witness Warren A Cline gave false testimony of events and actions and based those on the false evidence photo.

Defense counsel failed to [object, impeach, investigate, present contradictory evidence] – failed to impeach the false testimony while knowing that the photo was not the actual bullet impact location, failed to depose or interview the witness before the trial, failed to utilize the bodycam video segment that contradicted Cline's statements, and was ambushed at trial by Cline's false testimony.

As a result, the jury relied heavily on the false evidence in reaching its verdict.

At the trial Cline embellished his original statements made at the scene to the investigating officer, Ethan R Atkin, stating that a shot was fired "right at my feet" based on the false evidence photo which depicted a hole in the roadway that was not a bullet impact location. His embellishment statement at trial was that the shot was fired as he turned to walk away, and that he turned back around to face the defendant because he was "afraid I would be shot in the back". The jury's one question to the court before finding the defendant guilty ..."was mr cline turning to leave when the shot was fired?" the court's answer was "yes". A shot was never fired "right at my feet" at Cline's feet, a warning shot was fired away from Cline's position, several feet to the South of that position, and located by the investigating deputy, Ethan R Atkin, who took a photo of the actual bullet impact location.

V. Standard of Review

False evidence / prosecutorial misconduct: De novo review of constitutional questions. State v. Clark, 2005 MT 330, ¶ 14, 330 Mont. 8, 125 P.3d 1099.

Ineffective assistance of counsel: Mixed question of law and fact, reviewed de novo. State v. Kougl, 2004 MT 243, ¶ 11, 322 Mont. 102, 94 P.3d 1096.

Failure to rule/order motion for new trial: Abuse of discretion. State v. Clark, 2005 MT 330, ¶ 16.

VI. Argument

Issue 1: **False Evidence Violated Due Process**

A conviction obtained through false or misleading evidence violates due process. Napue v. Illinois, 360 U.S. 264 (1959); State v. Clark, 2005 MT 330, ¶¶ 19–21.

The evidence here was false because it was the wrong photo of the bullet impact location. The jury relied on this evidence and Cline's false narrative, and it was material to the verdict.

Issue 2: **Ineffective Assistance of Counsel**

Under Strickland v. Washington, 466 U.S. 668 (1984); State v. Wright, 2001 MT 282, ¶ 29, 307 Mont. 349, 42 P.3d 753; State v. Kougl, 2004 MT 243, ¶¶ 11–13, 322 Mont. 102, 94 P.3d 1096; State v. Whitlow, 2001 MT 208, ¶¶ 19–20, 306 Mont. 339, 33 P.3d 877; and State v. Hendricks, 2003 MT 223, ¶¶ 13–15, 317 Mont. 177, 75 P.3d 1268, Appellant must show deficient performance and prejudice.

Ineffective assistance of counsel by public defender(s) in this case:

1) bullet impact site alleged by Cline Vs actual real bullet impact site

[Mineral County Sheriffs Office did not investigate for bullet fragments from the bullet impact site. The Defendant did and produced a video of those results showing the recovery of a bullet fragment.][the actual weapon discharge/bullet impact location is depicted by images #3122/#3123 AND this was not clarified to the jury by the public defenders or deputy Atkin]

2) knowledge of Cline's violent behavior

[PDs confused a 4th of july fight, it was a Warren Cline fight with Chuck Est, not Willam Est - so the witness answered truthfully that there was no fight (with William Est)]

3) "voluntary" statements made to deputy hughes w/o miranda

[that there was (no miranda) should have been pointed out to the jury]

4) it should have been made clear to the jury that there was no 2nd 9-11 call

[the one and only call to 9-11 was from the defendant, there was no

2nd call about a shooting]

5) why was there no interview with Willam Est

[why was this possible witness only revealed during the trial, PDs failed to investigate]

6) "history of aggression" statement made by deputy hughes regarding defendant

[there was no “history of aggression”, and this should have been clarified to the jury, 404b - 404b cautionary instruction]

7) the PD's encouragement to the defendant to not testify in his own behalf [PD's stated in a closed conversation to defendant that they were going to win the case, that the county attorney had not met her burden of proof beyond a reasonable doubt, and there was no need to testify, convincing defendant not to testify. Defendants testimony would have included this statement: defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on Warren Cline’s chest to hold him back, as Cline did stop but did not retreat after the discharge.]

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution’s narrative. Its influence on the jury’s perception of the crime scene and the alleged act was substantial.

This false representation:
- Prejudiced the Defendant’s right to a fair trial;
- Was known or discoverable with reasonable diligence by the defense during trial;
- Would likely have resulted in a different verdict had the jury known the truth.

Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence or that the court vacate the verdict rendered.

Counsel was deficient in the failings listed. Prejudice exists because, without counsel’s unprofessional errors, there is a reasonable probability of a different outcome.

Issue 3: **District Court denied the Motion for New Trial**

Montana law expressly authorizes a motion for new trial under § 46-16-702, MCA. The District Court abused its discretion by failing to order a new trial. State v. Clark, 2005 MT 330, ¶ 16.

Defendant via proxy filed a Motion for New Trial received by the Court on June 17, 2025, the filing was timely.

Judge Vannatta abused his discretion in denying the defendant's Motion for New Trial saying "he [Glenn Ferren} is not your lawyer". Defendant's public defenders having failed him at trial were not going to introduce a Motion for New Trial wherein they were ineffective assistance to defendant at the criminal trial on May 19, 20th 2025. Defendant's status was effectively pro se and he requested assistance from a proxy. [Glenn Ferren] Defendant confirmed his Motion for New Trial by submitting a signature page [his signature] to the Court.

VII. Conclusion

For the reasons stated, Appellant respectfully requests that this Court:

Reverse Appellant's conviction; or

In the alternative, remand for a new trial; or

Grant other relief the Court deems just and proper.

VIII. Argument

Why the court should vacate the jury trial

The state relies on one witness for its case against the defendant, that witness is Warren Adrian Cline, a convicted felon.

Factual photo Evidence shows that the bullet hole Cline claimed "right at my feet" was not the actual bullet impact location.

Cline lied in his responses about the incident to deputy Ethan Atkins during his interview at the scene.

And later, under oath at trial, Cline working off the "right at my feet" lie, embellished that lie by adding that the defendant shot "right at my feet" when I turned to walk away. And that he (Cline) "I was afraid I would be shot in the back". This disclosure was not made to deputy Atkin on August 11, 2024.

The state relies upon a witness that is willing to lie under oath, the state therefore cannot claim that Warren A Cline is a credible truthful witness.

This is a case that never should have seen the inside of a courtroom.

It would be an additional waste of time, energy, and resources and a further miscarriage of justice to allow the state to continue its case against the defendant while relying on Warren A Cline to present more false testimony as its complaining witness.

Perjury and Other Falsification in Official Matters [MCA 45-7-205]

The court should vacate this jury trial decision.

Respectfully submitted,

JOSHUA DAVID FERREN

Appellant, pro se

Date: September 19, 2025

This was sent to Judge Vannatta since it appears he is ignoring the Motion for New Trial.

Hon. Shane Vannatta 7/13/2025
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, MT 59802

Submitted Sentencing Considerations:

>Joshua was offered a plea deal, (five year deferred sentence on the first charge with the other two dropped. 2 1/2 years of probation with the likelihood of regaining my gun rights.)

>At trial the public defenders convinced Joshua that he did not need to testify. No need, they had won the case because they felt that jackson had not met her burden of proof. So defendant did not testify to counter complaining witness's statements. (defendant would have stated that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on warren clines chest to hold him back, as cline did stop but not retreat after the discharge.)

>Joshua tried to help one of the victims of the cline/est family escape: (It had to have been in April or May. I remember seeing the girl with a black eye and red marks on her throat and ended up taking her to the shelter in Missoula to catch a bus back east where she came from. Few weeks later I heard she stabbed the boy and that's the last I heard of it. Apparently she stayed at the shelter and chuck picked her back up and brought her back to his house where the boy beat her again.

I saw her sitting in the road in between .... place and mine and asked if she was ok, she ran up to the fence and said she needed to get away from the kid and I told her I'd get here to a safe place. I drove her to the Poverello and told her to get ahold of her family back east and recommend not going back to the est place. I think it was about 3 weeks or so before the block was surrounded by mineral country's finest and that's when I heard she tried killing the kid.

I imagine she didn't. I helped her drag her suitcase into the shelter and told her good luck and left. No this girl was a beanpole, acted like she was on drugs too. felt bad with her black eye and red marks around her neck. Maybe, I don't know, I just felt bad seeing her crying in the damn road.)

>warren adrian cline: took his brother-in-law chuck est dowf1 in a yard fight, three or four weeks before the incident with Joshua he "put his girlfriend in her place", Tattoo says "mighty whitey" (Warren Adrian Cline, from Crook County, Oregon - criminal violations :Burglary, Assault, Possession of Heroin) [violation driving while suspended or revoked | driving uninsured | violation driving while suspended or revoked | violation driving while suspended or revoked | violation driving while suspended or revoked | failure to renew vehicle registration | violation driving while suspended or revoked | violation driving while suspended or revoked | probation violation (cleared) | violation driving while suspended or revoked | driving uninsured | operating a vehicle without driving privileges | parole violation. | disorderly conduct in the second degree | contempt of court | possessionof heroin | 5012 - probation violationation | violation driving while suspended | disorderly conduct | disorderly conduct in the second degree | failure to appear in the second degree | 5015 - failure to appear 1st deg | 2999-

criminal mischief 2nd deg | criminal mischief in the second degree | remanded to custody | violation driving while suspended | assault in the fourth degree | violation driving while suspended | driving uninsured | burg. 1st deg | recklessly endangering another person | theft 1st deg - 1 | burglary in the first degree | failure to carry proof of compliance | failure to appear in the second degree | 5015 - failure to appear 2nds deg | disorderly conduct in the second degree | disorderly conduct | driving uninsured | violating the basic speed rule | violation driving while suspended | burg ii | burglary ii | fail ap i | failure to appear i | burglary ii | violation of restraining order | hit and run vehicle-property | 5012 | 5011 | 5005 | disorderly conduct | 2999 | 5015 | remanded to custody | 5309 | contempt of court | criminal nonsupport | opr vehicle/vio restrictions | failure to appear-2 | no valid oper license with valid id])

>Related case in progress: [DC-31-2025-0000007-IN State of Montana vs. William Adrian Est (6) felony charges] -- Cline's brother-in-law, Cline's sister, Cline's nephew. The connection is that all of these individuals live on the same property and share the same facilities, in a mobile home and travel trailer within feet of each other. [Est charges: 45-5-213 : FEl-Assault With Weapon 45-5-303 : FEl-Aggravated Kidnapping 45-5-503(1) : FEl-SexualIntercourse Without Consent 45-5-220 [FEl] [1st] : FEl-Stalking When Order of Protection in Place- 1st Offense - Felony 45-7-206: FEl-Tampering With Witness/Informant 45-7-206: FEl-Tampering With Witness/Informant

I believe Joshua has learned some valuable insights from this experience. Incarceration will prevent him from working and meeting his responsibilities such as child support. The plea deal he was originally offered would be a good sentencing decision.
Glenn Ferren

<I wonder how Judge Vannatta feels about being lied to by Warren Cline>

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT

OF THE STATE OF MONTANA, IN AND FOR THE COUNTY OF MINERAL

STATE OF MONTANA,Plaintiff,vs.Joshua David Ferren,Defendant.

Cause No. DC-31-2024-0000032-INJudge Shane Vannatta

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence)

I. FACTUAL BACKGROUND

1. On [May19th, 20th] , the State introduced Exhibits [6.1,6.2,6.3,6.4, 6.5, 6.6] , which includes a photograph purportedly showing a bullet impact location and one Warren A Cline on the county roadway [cabin city loop road] …"right at my feet" .2. The State's witness, [Warren A Cline] , added False

Testimony when he testified that the photograph depicted a scenario directly related to the alleged offense. 3. Defendants public defenders failed to present to the jury that this photo was not the actual bullet impact location. Defense counsel had evidence from both bodycam video and discovery photos demonstrating the actual bullet impact location. Defense failed to impeach Cline's False Testimony. In addition Defense had from the Defendant a video of bullet fragment recovery from the actual bullet impact site.4. This False Evidence was confirmed by deputy Ethan R Atkin in bodycam video :
atkin_body_camera_Josh_Ferren_Assault_with_a_weapon.mp4
atkin (19:23:47) "Oh, that looks a little more like it" [regards weapon discharge/bullet impact site in roadway] [Photo images Discovery actual bullet impact location - #3122/#3123]
- wherein Atkin identified the False Photographic Evidence alleged to be the bullet impact location;- And identified the actual bullet impact location, with photo evidence;- Prosecution allowed the introduction of the False Photographic Evidence and subsequent False Testimony to substantiate the State's narrative of events.

Ineffective assistance of counsel by public defender(s) in this case:
1) bullet impact site alleged by Cline Vs actual real bullet impact site
[MCSO did not investigate for bullet fragments. The Defendant did and produced a video of those results showing the recovery of a bullet fragment. Atkin is the verification for the bullet impact location based upon his opinion and war service experience. Atkin was about to do that when interrupted by the defendant's public defender.] [actual weapon discharge/bullet impact location is depicted by images #3122/#3123 AND this was not clarified to the jury]
2) knowledge of Cline's violent behavior
[PDs confused 4th of july fight, it was with Chuck Est, not willam est - so the witness answered truthfully that there was no fight (with william est)]
3) statements made to deputy hughes w/o miranda
[that there was (no miranda) should have been pointed out to the jury]
4) it should have been made clear to the jury that there was no 2nd 9-11 call
[the one and only call to 9-11 was from the defendant, there was

no 2nd call about a shooting]

5) why was there no interview with willam est
[why was this possible witness only revealed during the trial]
6) "history of aggression" statement made by deputy hughes regarding defendant
[there was no “history of aggression”, and this should have been clarified to the jury]
7) the PD's encouragement to the defendant to not testify in his own behalf [PD's stated in a closed conversation to defendant that they were going to win the case, that the county attorney had not met her burden of proof, and there was no need to testify, convincing defendant]

II. LEGAL BASIS FOR A NEW TRIAL

This motion is grounded in the following authority:- Mont. Code Ann. § 46-16-702: Allows the court to grant a new trial “if required in the interest of justice.”- Napue v. Illinois, 360 U.S. 264 (1959): The knowing use of false evidence by the State violates due process.
- Brady v. Maryland, 373 U.S. 83 (1963): Withholding material exculpatory or impeaching information violates due process.- State v. McWilliams, 2008 MT 59, ¶ 31: A Montana district court may modify or vacate a verdict where the weight of the evidence or legal error justifies such relief.

III. ARGUMENT

The false photograph constituted material evidence directly related to the alleged crime scene and was used to support the prosecution’s narrative. Its influence on the jury’s perception of the crime scene and the alleged act was substantial. This false representation:- Prejudiced the Defendant’s right to a fair trial;- Was known or discoverable with reasonable diligence by the defense during trial;- Would likely have resulted in a different verdict had the jury known the truth. Justice requires that the Defendant be granted a new trial free from the taint of false visual evidence or that the court vacate the verdict rendered.

IV. RELIEF REQUESTED

The Defendant respectfully requests that this Court:1. Set a hearing on this motion;2. Grant a new trial pursuant to § 46-16-702, MCA, or vacate the verdict;3. Grant any such other relief as the Court deems just and proper.DATED this _5th_ day of June , 2025.Respectfully submitted Joshua Ferren, Defendant331 Cabin City Loop Rd, St Regis MT 59866

CERTIFICATE OF SERVICE

I, Joshua Ferren, hereby certify that I have provided a true and accurate copy of

MOTION FOR NEW TRIAL PURSUANT TO § 46-16-702, MCA (False Photographic Evidence) to:
Debra Ann Jackson (County Attorney)
300 River Street P.O. Box 339 Superior MT 59872
Representing: State of Montana
Service Method: Registered Mail, USPS
signed, authorized to assist, Glenn D Ferren

RE: [EXTERNAL] status of appeal, client requests update status on appeal

6/9/2025
Request for Appeal must be handled by trial counsel.
Matter cannot be referred to our office for appeal until a filed, written judgment has been issued.
Please discuss with your trial attorney.

Kim Harrison
Office Manager/Legal Assistant
Office of State Public Defender
Appellate Defender Division
P. O. Box 200147
Helena, MT 59620
406-444-9505

-----Original Message-----
From: Glenn Ferren <gferren@yahoo.com>
Sent: Sunday, June 8, 2025 8:15 PM
To: ADO General Office <ADOGeneralOffice@mt.gov>
Subject: [EXTERNAL] status of appeal, client requests update status on appeal

client : Joshua David Ferren<joshferren@icloud.com> Cause No. DC-31-2024-0000032-IN

MONTANA DISTRICT COURT
MINERAL COUNTY
MINUTE ENTRY

Date: 05/19/2025 09:00 AM **Hearing Type:** Jury Trial
Case Number: DC-31-2024-0000032-IN
State of Montana vs. JOSHUA DAVID FERREN
Presiding Judge: Shane Vannatta
Department:
Courtroom:
Charge(s):
Assault With Weapon
Resisting Arrest

Intimidation
Appearances: Presiding Judicial Officer: Shane Vannatta, Judge. Prosecution appears by Prosecution
Attorney, Debra A Jackson. Attorney Ann Davis appears with Defendant, JOSHUA DAVID FERREN.
Police Officer: Debra Jackson CATTY appears. Also attending: Julie Pesanti Delong Court Reporter; K.T.
Court Clerk.
Monday, May 19th, 2025
The Defendant, Joshua David Ferren, is present.
Counsel for the Defendant, Ann Davis and Suzanne Marshall, are present.
Debra Jackson, representing the State, is present.
Court convenes at 9:08 a.m.
The Court welcomes the Jury.
The role call of the jury panel takes place, the jury panel is sworn, and passed as to basic questions from
the Court.
The Parties confirm for trial, and agree to the placement of the jury.
State begins Voir Dire.
The Court is in recess at 10:15 a.m., and reconvenes at 10:30 a.m.
Defense begins Voir Dire.
The State objects due to questioning; the Court directs Defense Counsel to ask more direct questions.
Defense continues their Voir Dire.
The following jurors are selected, passed by the Parties, seated and sworn:
Jeffrey Parsons
Tracy Wicklund
Misty Dawn Sherwood
Joshua M. Rahmer
Tnoy K. Borwn
Jordan LaPierre
Steven Wayne Prater
Antoinette M. Labbe
Anita M. Heimbigner
Michael Dowling McGuirk
Donna Simons
Vickie Caswell
Don K. Cooper
The Court gives Instruction 1 to the Jury. The jurors are dismissed for a lunch break, and are to
reconvene at 1:30 p.m.
Court is in recess, and reconvenes at 1:30 p.m.
The Court inquires if there are any issues from the Parties to be discussed prior to recalling the jury.
Out of the presence of the jury, Defense Counsel advises the State has agreed to mute their Exhibit 3A,
and objects to the admission of State's Exhibit 4A as they believe the interview would be hearsay, and
further advises they object to State's Exhibit 2B for similar reasons. The State responds and advises of
the purpose for wanting to include Exhibits 3A, 4A, and 2B, and advises they do not believe the clipped
videos contain anything objectionable. The Court advises they witnesses can review the videos prior to
providing their statement, however, providing the video exhibit after the statement has been provided is
primarily used for impeaching witnesses. The State and Defense Counsel advise of their concerns with
Exhibit 3A.

The Court advises Exhibit 3A is different than the other Exhibits, and appreciates being made aware.
The Jury is assembled and trial reconvenes at 1:39 p.m.
Preliminary Jury Instructions are read by the Court.
The Parties stipulate to the jury being present.
Opening Statements are heard from the Parties.
The State proceeds with its case-in-chief.
The State calls John Rizzi as witness, who is sworn and testifies.
The State moves to admit State's Exhibit 1 (Audio) into evidence. Exhibit 1 is admitted without objection.
Further, the Court advises the State may publish.
The State continues questioning the witness.
Counsel objects due to asked and answered; the objection is sustained.
Ms. Marshall cross examines the witness.
The State redirects questioning of the witness.
Counsel objects; the objection is overruled.
Counsel objects; the objection is overruled.
The witness is excused and subject to recall.
The State calls Warren Cline as witness, who is sworn and testifies.
The Court advises the record will reflect the witness has identified the Defendant, Joshua David Ferren.
The State continues questioning the witness.
Counsel objects due to hearsay; the objection is sustained.
Counsel objects due to hearsay; the objection is sustained.
Counsel objects due to speculation; the objection is sustained.
Counsel objects due to speculation; the objection is sustained.
Counsel objects due to hearsay; the objection is overruled.
Counsel objects due to speculation; the objection is sustained.
Counsel objects due to speculation; the objection overruled.
Counsel objects due to relevance; the objection is overruled.
Counsel objects due to speculation; the objection is sustained.
Counsel objects due to foundation; the objection is sustained.
The State moves to publish Exhibit 3A, and Counsel objects.
The Court advises the State is presenting the Exhibit for foundational purposes.
The State moves to admit Exhibit 3A (muted video), which is admitted without objection.
Ms. Davis cross examines the witness.
Ms. Davis moves to present Defense's Exhibit B, which is granted by the Court.
Ms. Davis continues questioning the witness.
Counsel moves to admit Exhibit B, which is admitted without objection.
Defense's Exhibit B is admitted without objection and may be published.
Defense's Exhibit A is admitted without objection and may be published.
Ms. Davis continues cross examining the witness.
The State redirects questioning.
Counsel objects due to leading, and the objection is sustained.
Counsel objects due to speculation, and the objection is sustained.
The witness is excused and subject to recall.
The Court admonishes the jury, and the jury is dismissed, and to return at 3:45 p.m.
The Court inquires if there are any issues to discuss prior to recalling the jury.
Out of the presence of the jury, the State motions to publish the video of Mr. Cline's interview with Deputy
Atkin for clarification. Counsel objects, and the objection is sustained by the Court.
The Jury is assembled and trial reconvenes at 3:38 p.m.
The Parties stipulates to the jury being present.
The State continues with its case-in-chief.
The State calls Deputy Ethan Atkin as witness, who is sworn and testifies.
The Court advises the record will reflect the witness has identified the Defendant, Joshua David Ferren.
The State moves to admit and publish exhibit 2A (video), which is admitted without objection. Further the

Court advises the exhibit may be published.

The State continues questioning.

The State moves to admit Exhibit 6 (photos marked as 6.1, 6.2,, 6.3, 6.4, 6.5, and 6.6), which are admitted without objection. Further, the Court advises the State may publish.

The State continues questioning.

Counsel objects due to speculation, and the objection is overruled.

The State offers Exhibit 2C1 and 2C2, which are admitted without objection, and may be published.

The State offers Exhibit 2D, which is admitted without objection.

Ms. Davis cross examines the witness.

Ms. Davis presents the witness with their report to refresh recollection.

The State redirects questioning of the witness.

Counsel objects due to leading, and the objection is sustained.

Counsel objects due to leading, and the objection is sustained.

The witness is excused and subject to recall.

The Court advises the jury Court will reconvene tomorrow (May 20th, 2025) at 9:00 a.m.

The Court admonishes the jury. The Jury is dismissed for the day at 4:25 p.m., and directed to reconvene by 9:00 a.m. tomorrow.

Out of the presence of the jury, the Court directs the Parties to be present at 8:45 a.m. tomorrow to discuss any issues as necessary.

The Court is in recess until 8:45 a.m. tomorrow morning.

Tuesday, May 20th, 2025.

Court reconvenes at 8:57 a.m.

The Court inquires if there are any issues to discuss out of the presence of the jury; the Parties advise they have no issues to discuss.

The jury is assembled and trial reconvenes at 8:59 a.m.

The Parties stipulate to all jurors being present.

The State continues its case-n-chief.

The State calls Paula Nicole as witness, who is sworn and testifies.

The Court advises the record will reflect the witness identified the Defendant, Joshua David Ferren.

Counsel objects, and the objection is withdrawn.

The State continues questioning.

Counsel objects due to asked and answered; the objection is overruled.

Counsel objects due to speculation, and the objection is sustained.

Counsel objects due to asked and answered, and the objection overruled.

Counsel objects due to speculation, and the objection is sustained.

Counsel objects due to speculation, and the objection is overruled.

Counsel objects due to asked and answered, and the objection is overruled.

Counsel objects due to asked and answered, and the objection is sustained.

Counsel objects due to speculation, and the objection is overruled.

Counsel objects due to speculation and the objection is sustained.

Ms. Marshall cross examines the witness.

The State redirects questioning of the witness.

The witness is excused.

The State calls Deputy Jack Hughes as witness, who is sworn and testifies.

The State moves to admit Exhibit 5A (video), which is admitted without objection, and may be published.

Ms. Marshall cross examines the witness.

The State redirects questioning of the witness.

The State presents the witness with their report to refresh their recollection with the Court's permission.

Defense objects, and a sidebar is held.

The State continues redirect.

Counsel objects due to the questioning being outside the scope, and the objection is sustained.

Counsel objects due to the questioning being outside the scope, and the objection is sustained.

The State continues redirect.

Ms. Marshall recross examines the witness.

Ms. Marshall presents the witness with the report to refresh their recollection, and continues recross examination.

The witness is excused and subject to recall.

The jury is dismissed and directed to reconvene at 10:15 a.m.

Out of the presence of the jury, the Court advises of the sidebar issue discussed. The Court advises of a 404b issue, and advises the Parties believe the witness mumbled. The Court advises they didn't hear what was mumbled, and further advises that Defense is entitled to a 404b final instruction, however, Defense Counsel denied a 404b cautionary instruction. The Parties advise they do not have any further issues to discuss, and that they believe the jury did not hear what was mumbled.

The Court is in recess, and reconvenes at 10:15 a.m.

Out of the presence of the jury, the Court discusses and advises of an interaction between the Defendant's father and Deputy Jack Hughes. The Court advises the interaction was out of the presence of the jury, and further states they appreciate the assistance of the Defendant. Additionally, the Court directs the Parties to submit evidence via CD and USB.

The Jury is assembled and Trial reconvenes at 10:19 a.m.

The Parties stipulate to all jurors being present.

The State moves all exhibit into evidence, and rests their case. The Court advises and verifies all exhibits offered by the State have been admitted into evidence.

Counsel advises they have a motion to make outside the presence of the jury.

The Court admonishes the jury, and the jury is dismissed, pending recall.

Out of the presence of the jury, Defense Counsel moves to dismiss Counts 2 and 3, and Ms. Malloy advises the State has not presented evidence to charge the Defendant with Counts 2 and 3, and requests a directed verdict. The State responds and advises the Court the Defendant did not follow commands and refused to cooperate regarding Count 3, Resisting Arrest, and further advises threats were made during the Defendant's interaction with the Deputies and during the dispatch call (regarding Count 2, Intimidation). The Court advises intimidation must be statements or deed made by the Defendant toward Mr. Cline. The State advises. Counsel replies and advises during the testimony provided, Mr. Cline did not state the Defendant made threats toward them, and the testimony did not establish threats. Further, Counsel advises the State cannot meet their burden, and directed disposition is needed. The Court advises the Parties, and states testimony indicated the Defendant touched their weapon at holster 3 times during interaction. The Court states they believe there are fact upon which the jury can decide upon intimidation. Regarding the Count 3, resisting arrest, the Court advises of respecting the Defendant objection to the arrest, being placed in handcuffs and refusing to get into the back of the patrol vehicle. Further, the Court agrees resisting arrest is a higher quantum, and that they believe there are facts for the jury to decide. Additionally, the Court notes the Defendant had to be physically placed in the vehicle, which arises to resisting arrest, rather than obstruction. The Court denies Counsel's motion to dismiss Counts 2 and 3.

The Court advises of the Defendant's right to remain silent or to testify, and advises remaining silent will not affect the jury and will not be used against them, and inquires if the Defendant wishes to testify.

Counsel advises the Defendant does not wish to testify, and there are no further witnesses on behalf of Defense.

The Court advises they will most likely recall the jury and then will dismiss them for a lunch break, to return at 1:00 p.m.

The Jury is assembled and Trial reconvenes at 10:47 a.m.

The Defense rests their case.

The Court advises of needing to review the final jury instructions prior to staring deliberation, and of awaiting oral arguments from the Parties prior to deliberation as well.

The Parties stipulate to the jury being present.

The Court admonishes the jury, and dismisses them for a lunch break at 10:50 a.m., to return at 1:00 p.m.

The Court is in recess until 11:00 a.m. and reconvenes at 11:07 a.m.

Out of the presence of the jury, the Parties discuss the Final Jury Instructions and verdict form.

The Court advises instruction 23 is an accurate statement of the law, advises of an issue with the definition of 'reasonable apprehension', and proposes striking instruction 24.

The Parties agree to striking instruction 24.

The Court gives instruction 23 over Defense's objection.

Counsel further advises they object to instruction 33; the State advises.

The Court gives instruction 33 over Defense's objection.

The Court notes Defense persists to objection to instruction 23 and 33, and notes the basis for the objection.

The State is in agreement with the proposed final instructions, objects to the term 'use of force'.

Counsel responds and advises, and the State replies.

The Court advises they are satisfied that the Defendant shot the weapon, which allows discussion regarding justifiable use of force, and further advises the video indicates the reason as to why the shot was fired, and that the threshold for using justifiable use of force has been meet, and is now up for determination from the jury.

The Parties do not object to the verdict form.

The Court is in recess until 1:00 p.m.

The Court reconvenes at 12:58 p.m.

The State advise of an issue need to be discussed of the record; a sidebar is held.

The Jury is assembled and Trial reconvenes at 1:03 p.m.

The Parties stipulate to the jury being present.

The Court provides and reviews the Final Jury Instructions with the Jury.

The State makes their closing statement.

Ms. Marshall begins their closing statement.

The State makes their summation.

The case is given to the jury at 2:32 p.m.

Out of the presence of the jury, the State advises of having received social media posts from the Defendant's father regarding the County Attorney's Office and Sheriff's Office. The State further advises the information was sent out on May 16th, 2025, letter received, and possible tampering with witnesses.

The Court advises of the Jurors being instruction not to do research on their own, or to be on social media. The Court advises they will consider the commentary on social media as media, advises of concerns of statements to witnesses or possible influencing, and inquires as to when the conversation and social media posts took place. The state advises they could have taken place on Sunday, prior to trial, however, they are unsure until further investigation happens. Further, the State advises they are not asking for a mistrial.

The Court is in recess until the jury has reached a verdict.

At 3:20 p.m., Court reconvenes.

The Court advises of having received a question from the jury at 3:08 p.m., and advises the Parties of the proposed answer to the question. The Parties advise they have no objection to the Court's proposed answer. The answer is provided to the Bailiff, who is then directed to provide it to the jury.

<the question: was warren cline turning away to leave when the shot was fired ? The courts answer was yes. This was based on Warren Cline’s false testimony of events regarding the incident>

The Court is in recess until the jury has reached a verdict.

The jury returns with their verdict at 3:37 p.m.

The Clerk takes a roll call of the jury, whom are all present.

The Verdict is provided to the Court and read aloud by the Clerk.

The Clerk polls the Jury.

The Court finds and adjudges the Defendant GUILTY of Count 1, Assault with a Weapon, GUILTY of Count 2, Intimidation, and NOT GUILTY of Count 3, Resisting Arrest.

The Court orders a PSI (Presentence Investigation) be completed, and for the Defendant to complete a PSI Questionnaire, which is to be turned in to Probation and Parole no later than Friday, May 23rd, 2025.

The State motions for the Defendant to be placed into custody.

Counsel responds and motions for the Defendant to remain out of custody until sentencing, and advises there have not been any reported violations.

The Court inquires of the State regarding violations; the State advises of concerns with social media posts.

Counsel replies and states the Defendant did not violate their conditions of release.

The Court notes the typical procedure is pre-sentence incarceration, however, they will allow the Defendant to remain on their own recognizance. The Court advises the Defendant they cannot us drugs, alcohol, have any weapons, or cause any serious problems. Further, the Court directs the Defendant not

to make threats directly, or on their behalf.
The Defendant advises the Court. The Court states they Defendant may continue to use bear spray, but
are to not have any significant weapons.
Counsel advises they wish to be present for the Defendant's Presentence Interview.
The Court directs the Clerk to note that the Defendant's Counsel wish to be present for the interview, and to notify Probation and Parole.

The Court sets sentencing in this matter for Friday, July 18th, 2025, at 11:00 a.m. before the Hon. Judge
Vannatta.

Court is adjourned at 3:35 p.m. **Sentencing is now set for Sept 19, 2025**

Justice Robert H. Jackson

In the 1945 case Thomas v. Collins, Justice Jackson wrote that "in this field, every person must be his own watchman for truth, because the forefathers did not trust any government to separate the true from the false for us". This comment underscores the importance of a free press and the ability of individuals to discover the truth for themselves, rather than relying on the government to dictate it.

...legal experts in the judiciary have also described the court's role in determining truth. Legal proceedings, particularly criminal trials, are sometimes described as a "search for truth". However, this "truth" is not an absolute philosophical concept but a legal one, based on the evidence, process, and standards of proof required by the law. The Federal Rules of Evidence, which are used in federal courts, specifically outline how judges should control the presentation of evidence to "make those procedures effective for determining the truth".

Supreme Court justices have affirmed that convictions obtained through "knowingly used false evidence" violate the Fourteenth Amendment's Due Process Clause, citing the precedent in Napue v. Illinois. In this scenario, the prosecution's knowing presentation or failure to correct false testimony that impacts a witness's credibility can warrant a new trial if it could have influenced the jury's decision.

Key Principles Regarding False Evidence

Knowingly False Evidence Vitiates Due Process:.

The Court has established that deliberately presenting false evidence to a court and its jurors is incompatible with basic requirements of justice.

Napue Violation:

.A violation occurs when the prosecution knowingly offers false testimony or fails to correct it when it appears in the trial.

Materiality of False Testimony:

.False testimony can be considered "material" if it affects the credibility of a witness, which can be decisive for the jury's determination of guilt or innocence.

When a New Trial May Be Warranted

A new trial may be required if there is "any reasonable likelihood" that the false testimony could have affected the outcome of the trial. The prosecution's knowledge and the potential effect of the falsehood are crucial factors in determining whether a due process violation occurred.

Distinction Between False and Misleading

In the recent case of Thompson v. United States, the Supreme Court clarified that a "false" statement is not the same as a "misleading" one, even though both can have negative consequences. The Court held that the statute in that case prohibited genuinely false statements, not just those that are misleading.

Long ago, the Supreme Court made clear that deliberate deception of a court and jurors by the presentation of known false evidence is incompatible with "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103, 112 (1935). In Napue v. Illinois, 360 U.S. 264 (1959), the Supreme Court reiterated that a conviction obtained through use of false testimony, known to be such by representatives of the State, is a denial of due process. The Court further ruled that there is also a denial of due process when the State, though not soliciting false evidence, allows it to go uncorrected when it appears. In cases involving false or misleading testimony, a new trial is required if "the false testimony could . . . in any reasonable likelihood have affected the judgment of the jury . . . ." Napue, 360 U.S. at 271.

Napue v. Illinois,

360 U.S. 264 (1959)

"When reliability of a given witness may well be determinative of guilt or innocence,"

nondisclosure of immunity deal with witness violates Due Process. In addition, “a conviction

obtained through use of false evidence, known to be such by representatives of the State, must

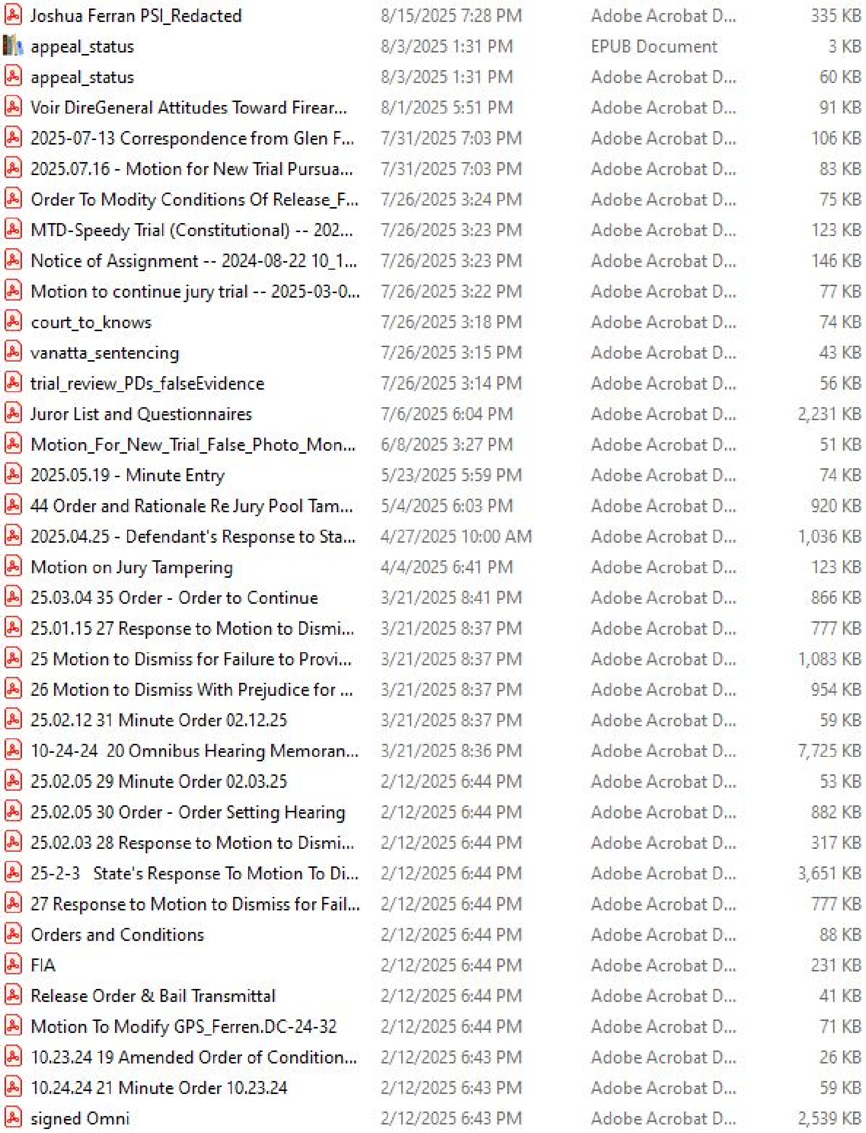
fall under the Fourteenth Amendment.” See Mooney v. Holohan, 294 U.S. 103; Pyle v. State of

Kansas, 317 U.S. 213. And “[t]he same result obtains when the State, although not soliciting

false evidence, allows it to go uncorrected when it appears.” See Alcorta v. State of Texas, 355

U.S. 28.

In Strickland v. Washington, 466 U.S. 668 (1984), the United States Supreme Court held that in order for a convicted defendant to establish that he or she was deprived of the Sixth Amendment right to effective assistance of counsel at trial, the defendant would have to show: (1) deficient performance by trial counsel; and (2) prejudice. In determining whether trial counsel's performance was constitutionally deficient, the reviewing court looks to the reasonableness of counsel's conduct under "prevailing professional norms." Id. at 688. It is the convicted defendant's duty to identify the acts or omission by counsel that are alleged not to have been the result of reasonable professional judgment. The reviewing court must then judge "the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed as of the time of counsel's conduct." Id. at 690. To establish prejudice, a convicted defendant "need not show that counsel's deficient conduct more likely than not altered the outcome in the case." Id. at 693. Rather, the defendant must establish "that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. A reasonable probability is a probability sufficient to undermine confidence in the outcome." Id. at 694.



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Voir DireGeneral Attitudes Toward Firear...	8/1/2025 5:51 PM	Adobe Acrobat D...	91 KB
2025-07-13 Correspondence from Glen F...	7/31/2025 7:03 PM	Adobe Acrobat D...	106 KB
2025.07.16 - Motion for New Trial Pursua...	7/31/2025 7:03 PM	Adobe Acrobat D...	83 KB
Order To Modity Conditions Of Release_F...	7/26/2025 3:24 PM	Adobe Acrobat D...	75 KB
MTD-Speedy Trial (Constitutional) -- 202...	7/26/2025 3:23 PM	Adobe Acrobat D...	123 KB
Notice of Assignment -- 2024-08-22 10_1...	7/26/2025 3:23 PM	Adobe Acrobat D...	146 KB
Motion to continue jury trial -- 2025-03-0...	7/26/2025 3:22 PM	Adobe Acrobat D...	77 KB
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Juror List and Questionnaires	7/6/2025 6:04 PM	Adobe Acrobat D...	2,231 KB
Motion_For_New_Trial_False_Photo_Mon...	6/8/2025 3:27 PM	Adobe Acrobat D...	51 KB
2025.05.19 - Minute Entry	5/23/2025 5:59 PM	Adobe Acrobat D...	74 KB
44 Order and Rationale Re Jury Pool Tam...	5/4/2025 6:03 PM	Adobe Acrobat D...	920 KB
2025.04.25 - Defendant's Response to Sta...	4/27/2025 10:00 AM	Adobe Acrobat D...	1,036 KB
Motion on Jury Tampering	4/4/2025 6:41 PM	Adobe Acrobat D...	123 KB
25.03.04 35 Order - Order to Continue	3/21/2025 8:41 PM	Adobe Acrobat D...	866 KB
25.01.15 27 Response to Motion to Dismi...	3/21/2025 8:37 PM	Adobe Acrobat D...	777 KB
25 Motion to Dismiss for Failure to Provi...	3/21/2025 8:37 PM	Adobe Acrobat D...	1,083 KB
26 Motion to Dismiss With Prejudice for ...	3/21/2025 8:37 PM	Adobe Acrobat D...	954 KB
25.02.12 31 Minute Order 02.12.25	3/21/2025 8:37 PM	Adobe Acrobat D...	59 KB
10-24-24 20 Omnibus Hearing Memoran...	3/21/2025 8:36 PM	Adobe Acrobat D...	7,725 KB
25.02.05 29 Minute Order 02.03.25	2/12/2025 6:44 PM	Adobe Acrobat D...	53 KB
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25.02.03 28 Response to Motion to Dismi...	2/12/2025 6:44 PM	Adobe Acrobat D...	317 KB
25-2-3 State's Response To Motion To Di...	2/12/2025 6:44 PM	Adobe Acrobat D...	3,651 KB
27 Response to Motion to Dismiss for Fail...	2/12/2025 6:44 PM	Adobe Acrobat D...	777 KB
Orders and Conditions	2/12/2025 6:44 PM	Adobe Acrobat D...	88 KB
FIA	2/12/2025 6:44 PM	Adobe Acrobat D...	231 KB
Release Order & Bail Transmittal	2/12/2025 6:44 PM	Adobe Acrobat D...	41 KB
Motion To Modify GPS_Ferren.DC-24-32	2/12/2025 6:44 PM	Adobe Acrobat D...	71 KB
10.23.24 19 Amended Order of Condition...	2/12/2025 6:43 PM	Adobe Acrobat D...	26 KB
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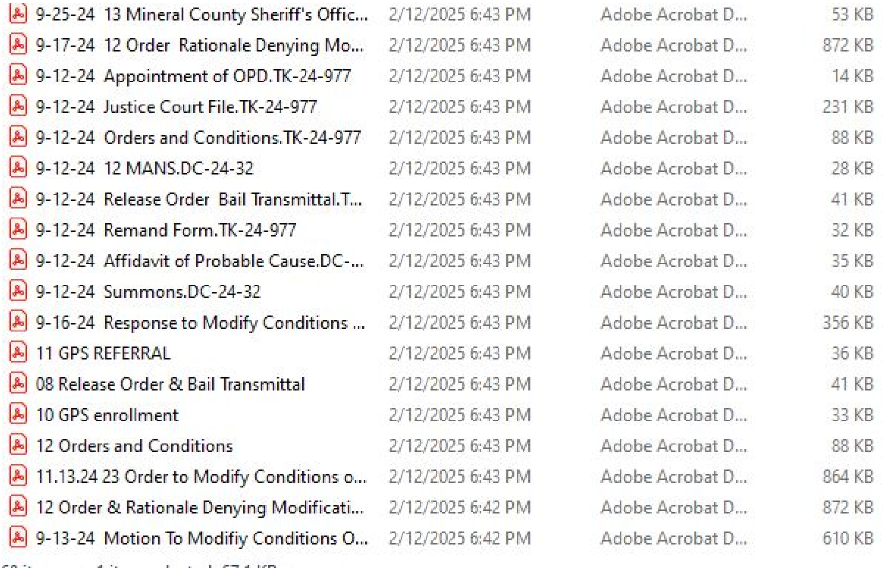


9-25-24 13 Mineral County Sheriff's Offic...	2/12/2025 6:43 PM	Adobe Acrobat D...	53 KB
9-17-24 12 Order Rationale Denying Mo...	2/12/2025 6:43 PM	Adobe Acrobat D...	872 KB
9-12-24 Appointment of OPD.TK-24-977	2/12/2025 6:43 PM	Adobe Acrobat D...	14 KB
9-12-24 Justice Court File.TK-24-977	2/12/2025 6:43 PM	Adobe Acrobat D...	231 KB
9-12-24 Orders and Conditions.TK-24-977	2/12/2025 6:43 PM	Adobe Acrobat D...	88 KB
9-12-24 12 MANS.DC-24-32	2/12/2025 6:43 PM	Adobe Acrobat D...	28 KB
9-12-24 Release Order Bail Transmittal.T...	2/12/2025 6:43 PM	Adobe Acrobat D...	41 KB
9-12-24 Remand Form.TK-24-977	2/12/2025 6:43 PM	Adobe Acrobat D...	32 KB
9-12-24 Affidavit of Probable Cause.DC-...	2/12/2025 6:43 PM	Adobe Acrobat D...	35 KB
9-12-24 Summons.DC-24-32	2/12/2025 6:43 PM	Adobe Acrobat D...	40 KB
9-16-24 Response to Modify Conditions ...	2/12/2025 6:43 PM	Adobe Acrobat D...	356 KB
11 GPS REFERRAL	2/12/2025 6:43 PM	Adobe Acrobat D...	36 KB
08 Release Order & Bail Transmittal	2/12/2025 6:43 PM	Adobe Acrobat D...	41 KB
10 GPS enrollment	2/12/2025 6:43 PM	Adobe Acrobat D...	33 KB
12 Orders and Conditions	2/12/2025 6:43 PM	Adobe Acrobat D...	88 KB
11.13.24 23 Order to Modify Conditions o...	2/12/2025 6:43 PM	Adobe Acrobat D...	864 KB
12 Order & Rationale Denying Modificati...	2/12/2025 6:42 PM	Adobe Acrobat D...	872 KB
9-13-24 Motion To Modifiy Conditions O...	2/12/2025 6:42 PM	Adobe Acrobat D...	610 KB

(55 pdf documents, list, some documents posted, excerpts from some documents)

MINERAL COUNTY COURT HOUSE

Chapter 11 – Video/Photos/Graphics

List Contents of the Video directory:

2nd_amendment - graphic

Atkin_Body_Camera_Josh_Ferren_Assault_with_a_Weapon

atkin-warren-paula 2-22(1)

atkin-warren-paula 2-22

Body_Cam_Ferren_Axon_Body_3_Video_2024-08-11_1904_X60AB0...

chuck_est_harrassing

chuck_est_harrassing2

consider_josh_img

criminal_case_process graphic

criminal_justice_flowchart graphic

Ferren_statement_form_2024-09-12_13_32_43

IMG_3119 (Cline's bullet impact location)

IMG_3120

IMG_3121

IMG_3122 (the actual bullet impact location)

IMG_3123

IMG_3124

jay_kendall graphic

josh_arrest_8112024 affidavit of probable cause

kill_2A - graphic

Probable_cause graphic

received_motion_newtrial graphic

video trim cline stmts transcript PDF

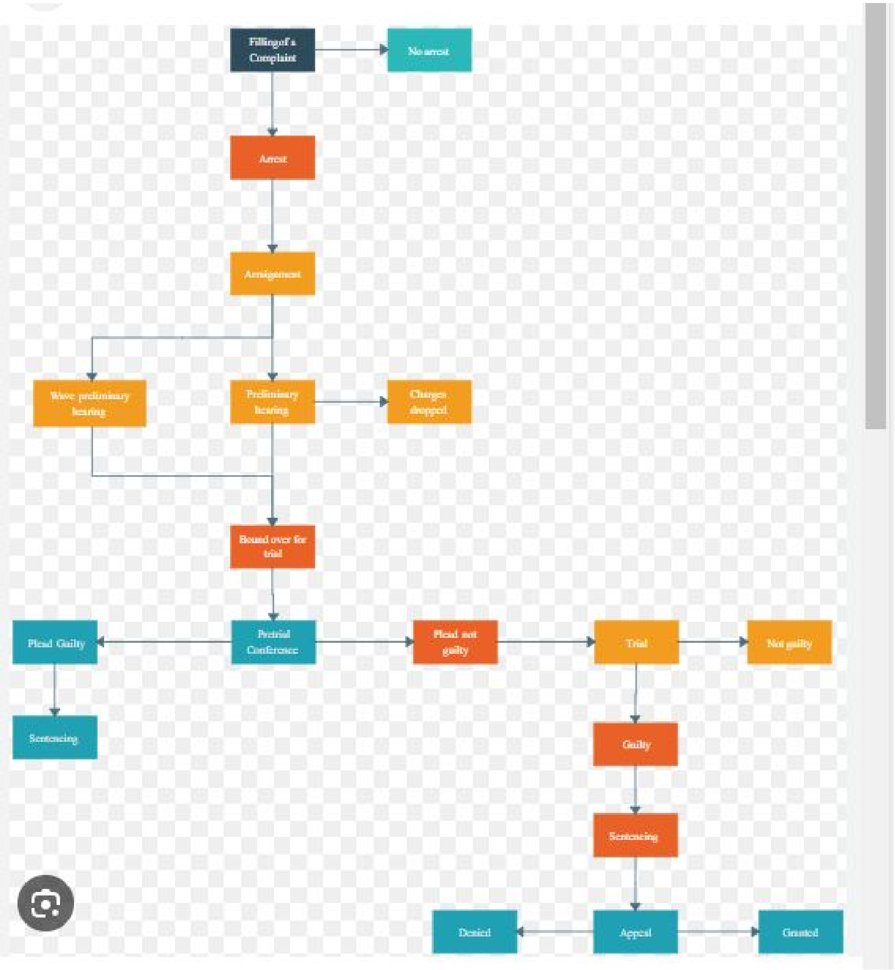
video_trim_cline_stmts(3) video clip

video_trim_cline_stmts(4) video clip

video_trim_cline_stmts

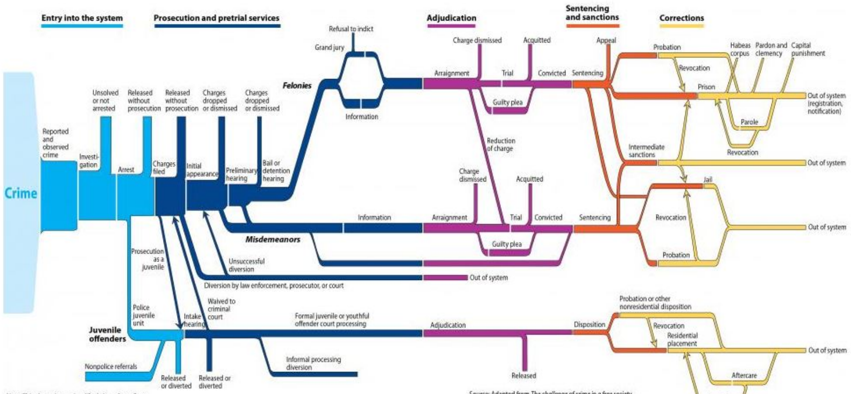
weapon_discharge_verification_location

witness_withdraws graphic


Filling of a Complaint
No arrest
Arrest
Arraignment
Wave preliminary hearing
Preliminary hearing
Charges dropped
Bound over for trial
Plead Guilty
Pretrial Conference
Plead not guilty
Trial
Not guilty
Sentencing
Guilty
Sentencing
Denied
Appeal
Granted

Criminal Justice System Flowchart

What is the sequence of events in the criminal justice system?


Entry into the system
Prosecution and pretrial services
Adjudication
Sentencing and sanctions
Corrections
Crime
Reported and observed crime
Investigation
Arrest
Unsolved or not arrested
Released without prosecution
Released without prosecution
Charges dropped or dismissed
Charges dropped or dismissed
Charges filed
Initial appearance
Preliminary hearing
Bail or detention hearing
Felonies
Refusal to indict
Grand jury
Information
Charge dismissed
Acquitted
Arraignment
Trial
Convicted
Sentencing
Guilty plea
Reduction of charge
Appeal
Probation
Revocation
Prison
Habeas corpus
Pardon and clemency
Capital punishment
Out of system (registration, notification)
Parole
Revocation
Intermediate sanctions
Out of system
Jail
Charge dismissed
Acquitted
Misdemeanors
Information
Arraignment
Trial
Convicted
Sentencing
Guilty plea
Revocation
Probation
Out of system
Prosecution as a juvenile
Unsuccessful diversion
Out of system
Diversion by law enforcement, prosecutor, or court
Police juvenile unit
Waived to criminal court
Intake hearing
Juvenile offenders
Formal juvenile or youthful offender court processing
Adjudication
Disposition
Probation or other nonresidential disposition
Revocation
Residential placement
Out of system
Nonpolice referrals
Released or diverted
Released or diverted
Informal processing diversion
Released
Aftercare
Revocation

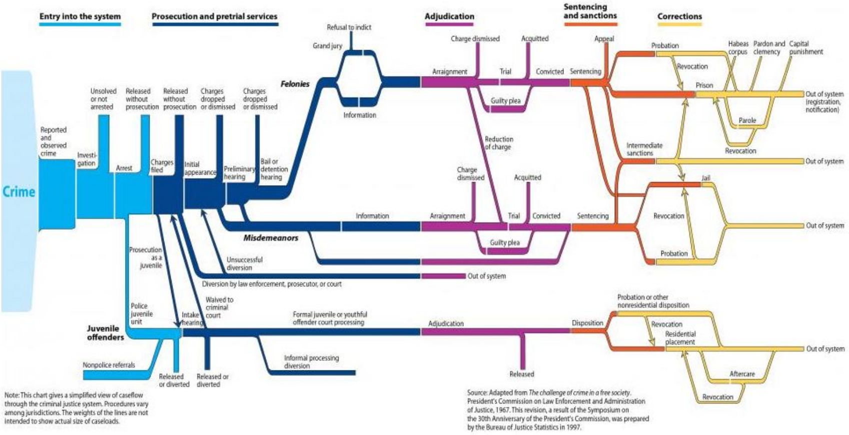
Note: This chart gives a simplified view of caseflow through the criminal justice system. Procedures vary among jurisdictions. The weights of the lines are not intended to show actual size of caseloads.

Source: Adapted from *The challenge of crime in a free society*. President's Commission on Law Enforcement and Administration of Justice, 1967. This revision, a result of the Symposium on the 30th Anniversary of the President's Commission, was prepared by the Bureau of Justice Statistics in 1997.

actual bullet impact location, next image…**(defendant statement is that he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on Warren Cline's chest to hold him back, as Cline did stop his advance but did not retreat after the weapon discharge.**

Criminal Justice System Flowchart

What is the sequence of events in the criminal justice system?


Entry into the system
Prosecution and pretrial services
Adjudication
Sentencing and sanctions
Corrections
Crime
Reported and observed crime
Investi-gation
Unsolved or not arrested
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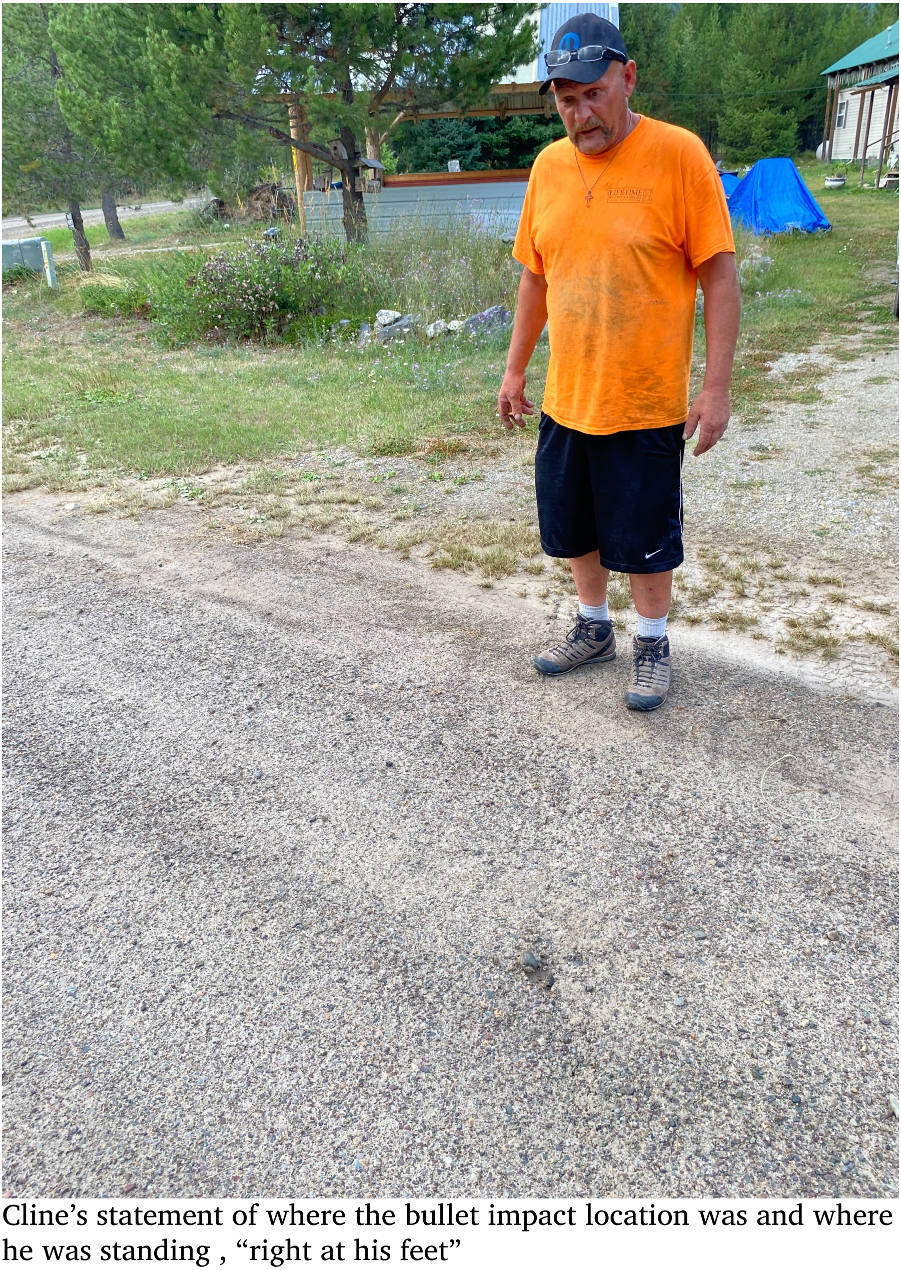

Cline’s statement of where the bullet impact location was and where he was standing , “right at his feet”

Chapter 12 – Conclusion

If there ever was a good example of a miscarriage of justice, this second amendment self-defense trial May 19, 20th Mineral County Montana would be that example.

Multiple examples of errors, mistakes, and incompetence have been revealed in the chapters of this review of **Cause No. DC-31-2024-0000032-IN STATE OF MONTANA, Plaintiff, vs. Joshua David Ferren, Defendant, a Second Amendment self-defense justifiable use of force case.**

The case began with an arrest by deputy Ethan Atkin of defendant Joshua Ferren, after Atkin took a statement from an unreliable witness, Warren Cline. Warren Cline is a career criminal that relocated to Montana from Oregon in 2020. Atkin detracted from the original intent of the call for assistance, a theft, and began to pursue an assault case against the defendant. Deputy Atkin observed information that verified the defendants claim of self-defense, the bullet impact location, but proceeded to misreport that information.

County Attorney Debra Jackson ran with the reports filed by deputy Atkin, did not do her due diligence on the complaining witness Cline, and filed an Information containing false information about the incident.

The two public defenders in this case, Ann Davis and Suzanne Marshall, failed to depose the state's witnesses, or to verify the actual events of the incident, and appeared at trial unprepared and failed to impeach Cline's false testimony.

From the false evidence presented in this case regarding the bullet impact location, the witness Warren Cline was able to give a false and embellished testimony to the jury. The jury decided the trial based upon this question – "was he (Cline) turning away to leave when the shot was fired?" Though this was not part of the original incident and interview of Cline by Atkin that occurred approximately (10-15) minutes after the incident, at trial Cline testified that he had been turning to leave when the defendant shot at him, and that he was "afraid of being shot in the back."
One might question if this was a planned and coached statement.

The defendant was not given the opportunity to counter Cline's statement because he did not testify at the trial. The public defender attorneys in a side room conversation convinced the defendant that he did not need to testify because they had "won the case, Jackson has failed to meet her "beyond a reasonable doubt" burden of proof". The defendant's statement regarding the discharge of the firearm, the warning shot, was this …he fired his gun, it pointed behind him at the ground, re-holstered the weapon, and then put his left hand on Warren Cline's chest to hold him back, as Cline did stop but not retreat after the discharge.

Deputy Atkin had verified this by his location of the actual bullet impact location during his interview with Warren Cline. The hole in the county roadway, "right at my feet" per Cline, was not the bullet impact location and that argument was the basis for Cline's

false testimony that portrayed the complaining witness as a victim and the defendant as the aggressor and worse, a back shooter.

The events and evidence in this case supporting the defendants claim of self-defense were easily evident by observation of the bodycam video on scene taken minutes after the incident and the photos taken by deputy Atkin. Warren Cline's criminal record was easily available, Oregon criminal records are public. And the Cline/Est family have a record of multiple incidents that required the Mineral County Sheriffs Office to answer calls at the residence of 320 Cabin City Loop Road, Saint Regis MT.
Mineral County is one of the poorest counties in Montana and is grateful for the people it can get to fill positions in local government and law enforcement. But its citizens have the right to expect professional level service from the Sheriff's department and the County Attorney's office. There is plenty of room for improvement in both those departments.

Anyone represented by a public defender has the right to expect a complete and professional representation.

Judge Vannatta has decided to ignore the fact that False Evidence and False Testimony took place.

One big difference that can be noted in this case is this, If Warren Cline had approached law enforcement in a threatening manner he would likely be dead a year ago. No warning shot. Joshua Ferren showed a great deal of restraint in a threatening and dangerous situation.

Glenn Ferren, who in a former life worked for the US government as a computer systems administrator.
The father of Joshua Ferren the defendant, and a strong supporter of the Second Amendment and your right to self-defense.

The Author

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